

## SECTION 1165

1           **\*-0492/7.15\* SECTION 1165.** 48.685 (5m) of the statutes is amended to read:  
2           48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license  
3           a person to operate an entity, a county department or a child welfare agency may  
4           refuse to license a foster home or treatment foster home under s. 48.62, and an entity  
5           may refuse to employ, contract with or permit to reside at the entity a person specified  
6           in sub. (2) (ag) (intro.) if the person has been convicted of an offense that the  
7           department has not defined as a “serious crime” by rule promulgated under sub. (7)  
8           (a), or specified in the list established by rule under sub. (7) (b), but that is, in the  
9           estimation of the department, child welfare agency, or entity, substantially related  
10          to the care of a client. Notwithstanding s. 111.335, the department may refuse to  
11          license a person to operate a day care center, a ~~county department~~ certifying agency  
12          may refuse to certify a day care provider under s. 48.651, a school board may refuse  
13          to contract with a person under s. 120.13 (14), a day care center that is licensed under  
14          s. 48.65 or established or contracted for under s. 120.13 (14) and a day care provider  
15          that is certified under s. 48.651 may refuse to employ, contract with or permit to  
16          reside at the day care center or day care provider a person specified in sub. (2) (ag)  
17          (intro.) if the person has been convicted of or adjudicated delinquent on or after his  
18          or her 12th birthday for an offense that the department has not defined as a “serious  
19          crime” by rule promulgated under sub. (7) (a), or specified in the list established by  
20          rule under sub. (7) (b), but that is, in the estimation of the department, ~~county~~  
21          ~~department~~ certifying agency, school board, day care center or day care provider  
22          substantially related to the care of a client.

23          **\*-0492/7.16\* SECTION 1166.** 48.685 (6) (a) of the statutes is amended to read:  
24          48.685 (6) (a) The department shall require any person who applies for  
25          issuance, continuation or renewal of a license to operate an entity, a ~~county~~

1     ~~department~~ certifying agency shall require any day care provider who applies for  
2     initial certification under s. 48.651 or for renewal of that certification, a county  
3     department or a child welfare agency shall require any person who applies for  
4     issuance or renewal of a license to operate a foster home or treatment foster home  
5     under s. 48.62 and a school board shall require any person who proposes to contract  
6     with the school board under s. 120.13 (14) or to renew a contract under that  
7     subsection, to complete a background information form that is provided by the  
8     department.

9           **\*-1059/3.8\* SECTION 1167.** 48.685 (6) (am) 1. of the statutes is amended to  
10    read:

11           48.685 (6) (am) 1. A person who is an employee, prospective employee, contractor  
12    or prospective contractor of the entity, who will be under the entity's control and who  
13    ~~has, or is expected to have, access to its clients, other than a person specified in sub.~~  
14    ~~(2) (b) 2 provides to clients of the entity, or is expected to provide to them, direct care~~  
15    ~~that is more intensive than negligible care in quantity or quality or in amount of time~~  
16    ~~required to provide the care.~~

17           **\*-0492/7.17\* SECTION 1168.** 48.685 (6) (b) of the statutes is renumbered 48.685  
18    (6) (b) 1. and amended to read:

19           48.685 (6) (b) 1. For persons specified ~~under~~ in par. (a) who are licensed by the  
20    department, for persons specified in par. (am) 1. who are under 18 years of age, but  
21    not under 12 years of age, and who are employees, prospective employees, contractors  
22    or prospective contractors of a day care center that is licensed under s. 48.65 or  
23    established or contracted for under s. 120.13 (4) or of a day care provider that is  
24    certified under s. 48.651, for persons specified in par. (am) 2. who are nonclient  
25    residents or prospective nonclient residents of an entity that is licensed by the

1 department, and for other persons specified by the department by rule, the entity  
2 shall send the background information form to the department. For all other persons  
3 specified in par. (am) 1., the entity shall maintain the background information form  
4 on file for inspection by the department, county department, child welfare agency,  
5 certifying agency or school board, whichever is applicable.

6 2. For persons specified ~~under~~ in par. (a) who are licensed ~~or certified~~ by a  
7 county department, for persons specified in par. (am) 2. who are nonclient residents  
8 or prospective nonclient residents of an entity that is licensed ~~or certified~~ by a county  
9 department and for other persons specified by the department by rule, the entity  
10 shall send the background information form to the county department.

11 3. For persons specified ~~under~~ in par. (a) who are licensed by a child welfare  
12 agency, for persons specified in par. (am) 2. who are nonclient residents or prospective  
13 nonclient residents of an entity that is licensed by a child welfare agency and for  
14 other persons specified by the department by rule, the entity shall send the  
15 background information form to the child welfare agency.

16 5. For persons specified ~~under~~ in par. (a) who are contracted with by a school  
17 board, for persons specified in par. (am) 2. who are nonclient residents or prospective  
18 nonclient residents of an entity that is contracted with by a school board and for other  
19 persons specified by the department by rule, the entity shall send the background  
20 information form to the school board. ~~For all other persons specified under par. (am)~~  
21 ~~1., the entity shall maintain the background information form on file for inspection~~  
22 ~~by the department, county department, child welfare agency or school board,~~  
23 ~~whichever is applicable.~~

24 \*-0492/7.18\* SECTION 1169. 48.685 (6) (b) 4. of the statutes is created to read:

1           48.685 (6) (b) 4. For persons specified in par. (a) who are certified by a certifying  
2           agency, for persons specified in par. (am) 2. who are nonclient residents or prospective  
3           nonclient residents of an entity that is certified by a certifying agency and for other  
4           persons specified by the department by rule, the entity shall send the background  
5           information form to the certifying agency.

6           **\*-0333/2.2\* SECTION 1170.** 48.685 (8) of the statutes is amended to read:

7           48.685 (8) The department, a county department, a child welfare agency, a  
8           certifying agency or a school board may charge a fee for obtaining the information  
9           required under sub. (2) (am) or (3) (a). The fee or for providing information to an  
10          entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b). The department,  
11          a county department, a child welfare agency, a certifying agency or a school board  
12          may also charge a fee to a person who requests to demonstrate under sub. (5) (a) that  
13          the person has been rehabilitated. Fees charged under this subsection may not  
14          exceed the reasonable cost of obtaining the information. No fee may be charged to  
15          a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or maintaining  
16          information if to do so would be inconsistent with federal law.

          \*\*\*NOTE: This is reconciled s. 48.685 (8). This SECTION has been affected by drafts  
          with the following LRB numbers: LRB-0333/1 and LRB-0492/6.

17          **\*-2105/1.15\* SECTION 1171.** 48.69 of the statutes is amended to read:

18          **48.69 Probationary licenses.** Except as provided under s. 48.715 (6) and (7),  
19          if any child welfare agency, shelter care facility, group home or day care center that  
20          has not been previously issued a license under s. 48.66 (1) (a) applies for a license,  
21          meets the minimum requirements for a license established under s. 48.67 and pays  
22          the applicable fee referred to in s. 48.68 (1), the department shall issue a  
23          probationary license to that child welfare agency, shelter care facility, group home

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1 or day care center. A probationary license is valid for up to 6 months after the date  
2 of issuance unless renewed under this section or suspended or revoked under s.  
3 48.715. Before a probationary license expires, the department shall inspect the child  
4 welfare agency, shelter care facility, group home or day care center holding the  
5 probationary license and, except as provided under s. 48.715 (6) and (7), if the child  
6 welfare agency, shelter care facility, group home or day care center meets the  
7 minimum requirements for a license established under s. 48.67, the department  
8 shall issue a license under s. 48.66 (1) (a). A probationary license issued under this  
9 section may be renewed for one 6-month period.

10 **\*-2105/1.16\* SECTION 1172.** 48.715 (1) of the statutes is amended to read:

11 48.715 (1) In this section, “licensee” means a person who holds a license under  
12 s. 48.66 (1) (a) or a probationary license under s. 48.69 to operate a child welfare  
13 agency, shelter care facility, group home or day care center.

14 **\*-2105/1.17\* SECTION 1173.** 48.715 (2) (a) of the statutes is amended to read:

15 48.715 (2) (a) That a person stop operating a child welfare agency, shelter care  
16 facility, group home or day care center if the child welfare agency, shelter care facility,  
17 group home or day care center is without a license in violation of s. 48.66 (1) (a) or  
18 a probationary license in violation of s. 48.69.

19 **\*-2105/1.18\* SECTION 1174.** 48.715 (2) (b) of the statutes is amended to read:

20 48.715 (2) (b) That a person who employs a person who has had a license under  
21 s. 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous  
22 5 years terminate the employment of that person within 30 days after the date of the  
23 order. This paragraph includes employment of a person in any capacity, whether as  
24 an officer, director, agent or employee.

1           **\*-2105/1.19\* SECTION 1175.** 48.715 (4) (intro.) of the statutes is amended to  
2 read:

3           48.715 (4) (intro.) If the department provides written notice of revocation and  
4 the grounds for revocation as provided in sub. (4m) and an explanation of the process  
5 for appealing a revocation under this subsection, the department may revoke a  
6 license issued under s. 48.66 (1) (a) or a probationary license issued under s. 48.69  
7 for any of the following reasons:

8           **\*-2105/1.20\* SECTION 1176.** 48.715 (5) of the statutes is amended to read:

9           48.715 (5) The department may deny a license under s. 48.66 (1) (a) or a  
10 probationary license under s. 48.69 to any person who has had a license under s.  
11 48.66 (1) (a) or a probationary license under s. 48.69 revoked within the previous 5  
12 years.

13           **\*-2105/1.21\* SECTION 1177.** 48.715 (6) of the statutes is amended to read:

14           48.715 (6) The department of health and family services shall deny, suspend,  
15 restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1) (a) or a  
16 probationary license under s. 48.69 to operate a child welfare agency, group home,  
17 shelter care facility or day care center, and the department of corrections shall deny,  
18 suspend, restrict, refuse to renew or otherwise withhold a license under s. 48.66 (1)  
19 (b) to operate a secured child caring institution, for failure of the applicant or licensee  
20 to pay court-ordered payments of child or family support, maintenance, birth  
21 expenses, medical expenses or other expenses related to the support of a child or  
22 former spouse or for failure of the applicant or licensee to comply, after appropriate  
23 notice, with a subpoena or warrant issued by the department of workforce  
24 development or a county child support agency under s. 59.53 (5) and related to  
25 paternity or child support proceedings, as provided in a memorandum of

1 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action  
2 taken under this subsection is subject to review only as provided in the memorandum  
3 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

4 **\*-2105/1.22\* SECTION 1178.** 48.715 (7) of the statutes is amended to read:

5 48.715 (7) The department shall deny an application for the issuance or  
6 continuation of a license under s. 48.66 (1) (a) or a probationary license under s. 48.69  
7 to operate a child welfare agency, group home, shelter care facility or day care center,  
8 or revoke such a license already issued, if the department of revenue certifies under  
9 s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An action  
10 taken under this subsection is subject to review only as provided under s. 73.0301 (5)  
11 and not as provided in s. 48.72.

12 **\*-0086/3.1\* SECTION 1179.** 48.78 (3) of the statutes is created to read:

13 48.78 (3) (a) Except as provided under pars. (b) to (d) or by order of the court,  
14 no agency may make available for inspection or disclose the contents of any record  
15 kept or information received relating to a foster parent, treatment foster parent or  
16 family-operated group home, as defined in s. 48.627 (1), parent or a family member  
17 of a foster parent, treatment foster parent or family-operated group home parent  
18 without first receiving the written permission of the foster parent, treatment foster  
19 parent or family-operated group home parent.

20 (b) Paragraph (a) does not apply to the confidential exchange of information  
21 between an agency and another social welfare agency. A social welfare agency that  
22 obtains information under this paragraph shall keep the information confidential as  
23 required under this section and s. 938.78.

24 (c) Paragraph (a) does not prohibit an agency from making available for  
25 inspection or disclosing the contents of a record under s. 48.981 (7).

1 (d) Paragraph (a) does not prohibit an agency from disclosing the name and  
2 address of a foster parent, treatment foster parent or family-operated group home  
3 parent under s. 48.20 (8), 48.227 (2), 48.33 (5), 48.355 (2) (b) 2., 48.357 (1) or (2m) or  
4 48.38 (4) (c).

5 **\*-0273/1.7\* SECTION 1180.** 48.825 (3) (b) of the statutes is amended to read:  
6 48.825 (3) (b) An individual or agency providing adoption information  
7 ~~exchange services~~ under s. 48.55.

8 **\*-0273/1.8\* SECTION 1181.** 48.825 (3) (c) of the statutes is repealed.

9 **\*-0087/3.1\* SECTION 1182.** 48.981 (3) (c) 4. of the statutes is amended to read:  
10 48.981 (3) (c) 4. The county department or, in a county having a population of  
11 500,000 or more, the department or a licensed child welfare agency under contract  
12 with the department shall determine, within 60 days after receipt of a report,  
13 whether abuse or neglect has occurred or is likely to occur. The determination shall  
14 be based on a preponderance of the evidence produced by the investigation. A  
15 determination that abuse or neglect has occurred may not be based solely on the fact  
16 that the child's parent, guardian or legal custodian in good faith selects and relies on  
17 prayer or other religious means for treatment of disease or for remedial care of the  
18 child. In making a determination that emotional damage has occurred, the county  
19 department or, in a county having a population of 500,000 or more, the department  
20 or a licensed child welfare agency under contract with the department shall give due  
21 regard to the culture of the subjects. If a determination contains a finding that a  
22 specific person has abused or neglected a child, the county department, department  
23 or licensed child welfare agency making the determination shall notify that person  
24 in writing, at the time that the person is notified of the determination, of the person's  
25 right to appeal under par. (e) and of the method by which the person may appeal. This



1 subdivision does not prohibit a court from ordering medical services for the child if  
2 the child's health requires it.

3 **\*-0087/3.2\* SECTION 1183.** 48.981 (3) (e) of the statutes is created to read:

4 48.981 (3) (e) *Appeal of determination.* If a determination under par. (c) 4.  
5 contains a finding that a specific person has abused or neglected a child, that person  
6 may appeal that finding in accordance with procedures established by the  
7 department.

8 **\*-0090/4.1\* SECTION 1184.** 48.981 (7) (a) 18. of the statutes is created to read:

9 48.981 (7) (a) 18. A child abuse and neglect citizen review panel established by  
10 the department or a county department if the panel determines that access to the  
11 records of an agency responsible for child protection is necessary for the panel to  
12 carry out its functions.

13 **\*-0088/3.1\* SECTION 1185.** 48.981 (7) (cm) of the statutes is amended to read:

14 48.981 (7) (cm) An Notwithstanding par. (a), an agency may disclose  
15 information from its records for use in proceedings under s. 48.25 (6), 813.122 or  
16 813.125.

17 **\*-0088/3.2\* SECTION 1186.** 48.981 (7) (d) of the statutes is amended to read:

18 48.981 (7) (d) The Notwithstanding par. (a), the department may have access  
19 to any report or record maintained by an agency under this section.

20 **\*-0088/3.3\* SECTION 1187.** 48.981 (7) (dm) of the statutes is created to read:

21 48.981 (7) (dm) Notwithstanding par. (a), an agency may, subject to standards  
22 established by the department, disclose to the news media and the general public  
23 information from the agency's records concerning a case in which a child died or was  
24 placed in serious or critical condition, as certified by a physician, as a result of abuse  
25 or neglect. An agency may not disclose under this paragraph any information that

1 would identify a reporter. Any person who receives any information under this  
2 paragraph may disclose that information to anyone.

3 **\*-0686/1.2\* SECTION 1188.** 48.982 (2) (d) of the statutes is amended to read:

4 48.982 (2) (d) Solicit and accept contributions, grants, gifts and bequests for the  
5 children's trust fund or for any other purpose for which a contribution, grant, gift or  
6 bequest is made and received. Moneys received under this paragraph may be  
7 deposited in credited to the appropriation accounts under s. 20.433 (1) (i), (q) or (r).  
8 ~~This paragraph does not apply to moneys received under s. 341.14 (6r) (b) 6.~~

9 **\*-0686/1.3\* SECTION 1189.** 48.982 (2m) (intro.) of the statutes is amended to  
10 read:

11 48.982 (2m) DONATION USES. (intro.) If money is accepted by the board for the  
12 children's trust fund or for any other purpose under sub. (2) (d), ~~except moneys~~  
13 ~~received under s. 341.14 (6r) (b) 6.,~~ the board shall use the money in accordance with  
14 the wishes of the donor to do any of the following:

15 **\*-0275/5.9\* SECTION 1190.** 48.985 (2) of the statutes is amended to read:

16 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the  
17 appropriation under s. 20.435 (7) (o), the department shall distribute not more than  
18 ~~\$3,804,000 in fiscal year 1997-98 and not more than \$3,734,000 in fiscal year~~  
19 ~~1998-99~~ \$3,734,000 in each fiscal year of the moneys received under 42 USC 620 to  
20 626 to county departments under ss. 46.215, 46.22 and 46.23 for the provision or  
21 purchase of child welfare projects and services, for services to children and families,  
22 for services to the expectant mothers of unborn children and for family-based child  
23 welfare services.

24 **\*-0183/2.8\* SECTION 1191.** 49.015 (1m) 5. of the statutes is created to read:

1 49.015 (1m) 5. The individual has infectious tuberculosis, as defined in s.  
2 252.07 (1g) (a), or suspect tuberculosis, as defined in s. 252.07 (1g) (d).

3 **\*-0027/5.28\* SECTION 1192.** 49.025 (2) (a) (intro.) of the statutes is amended  
4 to read:

5 49.025 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a  
6 year, the department shall pay to the county, in accordance with s. 49.031, from the  
7 appropriation under s. 20.435 ~~(5)~~ (4) (bt), an amount for that year determined as  
8 follows: pgt

*det* \*\*\*\*NOTE: This provision contains a cross-reference to s. 20.435 (5) (bt), which is  
renumbered in this bill to s. 20.435 (4) (bt) to conform to the changes in LRB-0028. If  
LRB-0028 is not included in the budget bill, this renumbering should be deleted.

9 **\*-1393/3.2\* SECTION 1193.** 49.025 (2) (a) 1. b. of the statutes is amended to  
10 read:

11 49.025 (2) (a) 1. b. For any year, 45% of the total amount expended by the county  
12 in that year as relief for health care services provided to dependent persons,  
13 including the amount transferred to the appropriation account under s. 20.435 (4)  
14 (h) in that year and the amount estimated to be received from the federal government  
15 as a match to the funds expended from the appropriation account under s. 20.435 (4)  
16 (h).

17 **\*-0027/5.29\* SECTION 1194.** 49.027 (2) (a) (intro.) of the statutes is amended  
18 to read:

19 49.027 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a  
20 year, the department shall pay to the county, in accordance with s. 49.031, from the  
21 appropriation under s. 20.435 ~~(5)~~ (4) (bt), an amount for that year determined  
22 as follows:

pgt

det

\*\*\*\*NOTE: This provision contains a cross-reference to s. 20.435 (5) (bt), which is renumbered in this bill to s. 20.435 (4) (bt) to conform to the changes in LRB-0028. If LRB-0028 is not included in the budget bill, this renumbering should be deleted.

1       \***-0027/5.30**\* **SECTION 1195.** 49.027 (2) (a) 1. d. of the statutes is amended to  
2 read:

3       49.027 (2) (a) 1. d. The department shall multiply the amount determined  
4 under subd. 1. c. by the amount appropriated under s. 20.435 (5) ~~(bu)~~ (4) (bt) for relief  
5 block grants for that year.

pgt

det

\*\*\*\*NOTE: This provision contains a cross-reference to s. 20.435 (5) (bt), which is renumbered in this bill to s. 20.435 (4) ~~(bt)~~ to conform to the changes in LRB-0028. If LRB-0028 is not included in the budget bill, this renumbering should be deleted.

6       \***-1057/2.3**\* **SECTION 1196.** 49.029 (2) of the statutes, as affected by 1999  
7 Wisconsin Act .... (this act), is amended to read:

8       49.029 (2) AMOUNT AND DISTRIBUTION OF RELIEF BLOCK GRANT. From the  
9 appropriation under s. 20.435 (4) ~~(bs)~~ (kb), the department shall distribute a relief  
10 block grant to each eligible tribal governing body in an amount and in a manner  
11 determined in accordance with rules promulgated by the department. The  
12 department shall promulgate the rules after consulting with all tribal governing  
13 bodies eligible for a relief block grant. In promulgating rules under this section, the  
14 department shall consider each tribe's economic circumstances and need for health  
15 care services.

\*\*\*\*NOTE: This section reflects the renumbering of s. 20.435 (5) (bs) to s. 20.435 (4) (bs) in LRB-0028. If LRB-0028 is not included in the budget bill, this section will need to be redrafted.

16       \***-0183/2.9**\* **SECTION 1197.** 49.08 of the statutes is amended to read:

17       **49.08 Recovery of relief and other assistance.** If any person is the owner  
18 of property at the time of receiving general relief under ch. 49, 1993 stats., relief  
19 funded by a relief block grant or other assistance as an inmate of any county or  
20 municipal institution in which the state is not chargeable with all or a part of the

1 inmate's maintenance or as a tuberculosis patient provided for in ss. ~~58.06 and~~  
2 252.07 to 252.10, or at any time thereafter, or if the person becomes self-supporting,  
3 the authorities charged with the care of the dependent, or the board in charge of the  
4 institution, may sue for the value of the relief or other assistance from the person or  
5 the person's estate. Except as otherwise provided in this section, the 10-year statute  
6 of limitations may be pleaded in defense in an action to recover relief or other  
7 assistance. Where the recipient of relief or other assistance is deceased, a claim may  
8 be filed against the decedent's estate and the statute of limitations specified in s.  
9 859.02 shall be exclusively applicable. The court may refuse to render judgment or  
10 allow the claim in any case where a parent, spouse, surviving spouse or child is  
11 dependent on the property for support. The court in rendering judgment shall take  
12 into account the current family budget requirement as fixed by the U.S. department  
13 of labor for the community or as fixed by the authorities of the community in charge  
14 of public assistance. The records kept by the municipality, county or institution are  
15 prima facie evidence of the value of the relief or other assistance furnished. This  
16 ~~section shall not apply to any person who receives care for pulmonary tuberculosis~~  
17 ~~as provided in s. 252.08 (4).~~

18 **\*-0535/1.1\* SECTION 1198.** 49.124 (1g) (a) of the statutes is amended to read:

19 49.124 (1g) (a) The individual is a custodial parent of a child who is under the  
20 age of 18 and who has an absent parent, or the individual lives with and exercises  
21 parental control over a child who is under the age of 18 and who has an absent parent,  
22 and the individual does not fully cooperate in good faith with efforts directed at  
23 establishing the paternity of the child, if necessary, ~~and obtaining support payments~~  
24 establishing or enforcing a support order, if any appropriate, or obtaining other  
25 payments or property, if any, to which that individual or the child may have rights.

1 This paragraph does not apply if the individual has good cause for refusing to  
2 cooperate, as determined by the department in accordance with federal law and  
3 regulations.

4 **\*-0687/5.1\* SECTION 1199.** 49.136 (2) (a) of the statutes is amended to read:

5 49.136 (2) (a) From the allocation under s. 49.155 (1g) (b), the department shall  
6 award grants and low-interest loans for the start-up or expansion of child care  
7 services.

8 **\*-0687/5.2\* SECTION 1200.** 49.136 (2) (b) of the statutes is amended to read:

9 49.136 (2) (b) The department shall attempt to award grants and low-interest  
10 loans under this section to head start agencies designated under 42 USC 9836,  
11 employers that provide or wish to provide child care services for their employes,  
12 family day care centers, group day care centers ~~and~~, day care programs for the  
13 children of student parents, organizations that provide child care for sick children  
14 and child care providers that employ participants or former participants in a  
15 Wisconsin works employment position under s. 49.147 (3) to (5).

16 **\*-0687/5.3\* SECTION 1201.** 49.136 (7) of the statutes is amended to read:

17 49.136 (7) GRANT AND LOW-INTEREST LOAN ADMINISTRATION. (a) The department  
18 shall establish guidelines for eligibility for a grant or a low-interest loan under this  
19 section. The department need not promulgate those guidelines as rules under ch.  
20 227.

21 (b) The department may administer the grant and low-interest loan  
22 application ~~process~~ processes under this section or contract for the administration  
23 of ~~that process~~ those processes.

24 **\*-0702/9.4\* SECTION 1202.** 49.1375 of the statutes is created to read:

1           **49.1375 Early childhood excellence initiative.** (1) The department shall  
2 establish a grant program to develop at least 5 early childhood centers for children  
3 under the age of 5 who are eligible to receive temporary assistance to needy families  
4 under 42 USC 601 et seq. Centers awarded a grant under this subsection shall  
5 provide outreach and training for parents of the children served by the center and  
6 training for child care providers. The centers shall emphasize stimulation of the  
7 child's language skills and senses of vision and touch. A person who is awarded a  
8 grant under this subsection shall contribute matching funds from local or private  
9 sources equal to 25% of the amount awarded under this subsection.

10           (2) The department shall establish a grant program under which a child care  
11 provider that receives training at a center that is awarded a grant under sub. (1) may  
12 apply for a grant to establish an early childhood program that serves children  
13 specified under sub. (1). The program developed under a grant received under this  
14 subsection shall emphasize stimulation of the children's language skills and senses  
15 of vision and touch. A person who is awarded a grant under this subsection shall  
16 contribute matching funds from local or private sources equal to 25% of the amount  
17 awarded under this subsection.

18           \***-1186/4.11\* SECTION 1203.** 49.141 (2) of the statutes is repealed.

19           \***-1186/4.12\* SECTION 1204.** 49.141 (2g) (a) of the statutes is renumbered  
20 49.141 (2g).

21           \***-1186/4.13\* SECTION 1205.** 49.141 (2g) (b) of the statutes is repealed.

22           \***-1186/4.14\* SECTION 1206.** 49.143 (1) (a) of the statutes is amended to read:

23           49.143 (1) (a) Except as provided in par. (am), the department may award a  
24 contract, on the basis of a competitive process approved by the secretary of  
25 administration, to any person to administer Wisconsin works in a geographical area

1 determined by the department under sub. (6). ~~The department shall award contracts~~  
2 ~~under this paragraph before the date that is specified in s. 49.141 (2) (d).~~

3 **\*-1186/4.15\* SECTION 1207.** 49.143 (1) (am) 1. of the statutes is repealed and  
4 recreated to read:

5 49.143 (1) (am) 1. The department shall contract with a Wisconsin works  
6 agency to administer Wisconsin works if that agency has met the performance  
7 standards established by the department during the immediately preceding contract  
8 period. The contract shall be for a term of at least 2 years. A Wisconsin works agency  
9 may elect not to enter into a contract under this subdivision if the Wisconsin works  
10 agency informs the department by the date established by the department that the  
11 Wisconsin works agency has made that election.

12 **\*-1186/4.16\* SECTION 1208.** 49.143 (1) (am) 2. of the statutes is amended to  
13 read:

14 49.143 (1) (am) 2. A ~~county or tribal governing body~~ Wisconsin works agency  
15 that has not met the ~~aid to families with dependent children caseload~~ performance  
16 standards established by the department may apply for a contract under the  
17 competitive process established under par. (a).

18 **\*-1186/4.17\* SECTION 1209.** 49.143 (1) (at) of the statutes is repealed.

19 **\*-0700/2.1\* SECTION 1210.** 49.143 (2) (cr) of the statutes is amended to read:

20 49.143 (2) (cr) Provide, or contract with another person to provide, budgeting  
21 and financial planning services, including credit establishment ~~and credit repair~~  
22 ~~assistance~~ training to participants. ~~Prior to providing, or contracting with another~~  
23 ~~to provide, the assistance specified under this paragraph, the Wisconsin works~~  
24 ~~agency shall submit a proposed plan for the provision of that assistance to the~~  
25 ~~department. The secretary shall submit each proposed plan to the cochairpersons~~



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1 of the joint committee on finance. If, within 14 days after receiving the proposed  
2 plans, the cochairpersons do not notify the secretary that the joint committee on  
3 finance has scheduled a meeting for the purpose of reviewing the proposed plans, the  
4 department shall direct each Wisconsin works agency that submitted proposed plans  
5 to implement the plans. If, within 14 days, the co-chairs notify the secretary that  
6 they have scheduled a meeting for the purpose of reviewing the proposed plans, no  
7 Wisconsin works agency may implement its plan until the joint committee on finance  
8 approves the plan. Every January 31, the department shall submit to the joint  
9 committee on finance a report specifying the total amount expended in the previous  
10 year for the provision of credit establishment and credit repair assistance under this  
11 paragraph.

12 **\*-0493/2.7\* SECTION 1211.** 49.143 (2) (e) of the statutes is amended to read:

13 49.143 (2) (e) To the extent permitted under federal law or waiver, certify  
14 eligibility for and issue food coupons to eligible Wisconsin works participants in  
15 conformity with 7 USC 2011 to 2029 as provided in ss. 46.215 (1g) and 46.22 (1g).

16 **\*-0492/7.19\* SECTION 1212.** 49.143 (2) (em) of the statutes is renumbered  
17 49.143 (2) (em) 1. and amended to read:

18 49.143 (2) (em) 1. Determine Except as provided in subd. 2., determine  
19 eligibility for child care assistance under s. 49.155 and refer eligible families to  
20 county departments under s. 46.215, 46.22 or 46.23 for child care services.

21 **\*-0492/7.20\* SECTION 1213.** 49.143 (2) (em) 2. of the statutes is created to read:

22 49.143 (2) (em) 2. If required under s. 49.155 (3) (a) or (am), certify child care  
23 providers under s. 48.651 and administer child care assistance under s. 49.155.

24 **\*-1186/4.18\* SECTION 1214.** 49.145 (2) (n) 1. a. of the statutes is amended to  
25 read:

1           49.145 (2) (n) 1. a. The job opportunities and basic skills program under s.  
2   49.193, 1997 stats. Active participation on or after October 1, 1996, in the job  
3   opportunities and basic skills program ~~begins to count~~ counts toward the 60-month  
4   limit ~~beginning on October 1, 1996~~.

5           \*~~-1989/3.1~~\* **SECTION 1215.** 49.145 (3) (a) of the statutes is amended to read:

6           49.145 (3) (a) *Resource limitations.* The individual is a member of a Wisconsin  
7   works group whose assets do not exceed \$2,500 in combined equity value. In  
8   determining the combined equity value of assets, the Wisconsin works agency shall  
9   exclude the equity value of vehicles up to a total equity value of \$10,000, the value  
10 of an individual development account established under s. 49.187 and one home that  
11 serves as the homestead for the Wisconsin works group.

12           \*~~-0699/4.1~~\* **SECTION 1216.** 49.145 (3) (b) 2. of the statutes is repealed.

13           \*~~-1662/1.1~~\* **SECTION 1217.** 49.145 (4) of the statutes is amended to read:

14           49.145 (4) REVIEW OF ELIGIBILITY. A Wisconsin works agency shall periodically  
15 review an individual's eligibility. The individual remains eligible under sub. (3) until  
16 the Wisconsin works group's assets ~~exceed the asset limits for at least 2 months or~~  
17 ~~until the or~~ income of the ~~Wisconsin works group~~ is expected to exceed the asset or  
18 income ~~limits~~ limit under sub. (3) for at least 2 consecutive months.

19           \*~~-0787/1.1~~\* **SECTION 1218.** 49.147 (1m) of the statutes is created to read:

20           49.147 (1m) EDUCATIONAL NEEDS ASSESSMENT. Upon determining that the  
21 appropriate placement for an individual is in unsubsidized employment or a trial job,  
22 the Wisconsin works agency shall conduct an educational needs assessment of the  
23 individual. If the Wisconsin works agency determines that the individual needs  
24 basic education, including a course of study meeting the standards established under  
25 s. 115.29(4) for the granting of a declaration of equivalency of high school graduation,

## SECTION 1218

1 and if the individual wishes to pursue basic education, the Wisconsin works agency  
2 shall include basic education in an employability plan developed for the individual.  
3 The Wisconsin works agency shall pay for the basic education services identified in  
4 the employability plan.

5 \***-1611/7.4\* SECTION 1219.** 49.147 (4) (c) 1g. of the statutes, as affected by 1997  
6 Wisconsin Act 27, is repealed and recreated to read:

7 49.147 (4) (c) 1g. 'Limited participation.' Not more than 2,500 participants  
8 statewide may participate under this paragraph at any given time. The department  
9 shall allocate the 2,500 slots among the Wisconsin works agencies based on a formula  
10 developed by the department.

11 \***-1611/7.5\* SECTION 1220.** 49.147 (4) (c) 2. of the statutes, as affected by 1997  
12 Wisconsin Act 27, is amended to read:

13 49.147 (4) (c) 2. 'Eligibility.' A Wisconsin works agency may not place an  
14 individual under this paragraph unless the Wisconsin works agency determines that  
15 the individual is working at least 15 hours per week in an qualified for unsubsidized  
16 job employment but has been unable to secure full-time unsubsidized employment  
17 despite reasonable efforts on the part of the individual.

18 \***-1611/7.6\* SECTION 1221.** 49.147 (4) (c) 3. (intro.) of the statutes, as affected  
19 by 1997 Wisconsin Act 27, is renumbered 49.147 (4) (c) 3. and amended to read:

20 49.147 (4) (c) 3. 'Work supplementation.' The Wisconsin works agency may  
21 require a participant under this paragraph to work in a community service job for  
22 not more than the lesser of the following in a community service job under this  
23 paragraph: 30 hours per week and to participate in job search activities for not more  
24 than 10 hours per week.

1           **\*-1611/7.7\* SECTION 1222.** 49.147 (4) (c) 3. a. and b. of the statutes, as affected  
2 by 1997 Wisconsin Act 27, are repealed.

3           **\*-1611/7.8\* SECTION 1223.** 49.147 (4) (c) 6. of the statutes, as affected by 1997  
4 Wisconsin Act 27, is repealed.

5           **\*-0785/1.1\* SECTION 1224.** 49.1475 of the statutes is created to read:

6           **49.1475 Follow-up services.** Following any follow-up period required by the  
7 contract entered into under s. 49.143, a Wisconsin works agency may provide case  
8 management services for an individual who moves from a Wisconsin works  
9 employment position to unsubsidized employment to help the individual retain the  
10 unsubsidized employment. Case management services may include the provision of  
11 employment skills training; English as a 2nd language classes, if the Wisconsin  
12 works agency determines that the course will facilitate the individual's efforts to  
13 retain employment; a course of study meeting the standards established under s.  
14 115.29 (4) for the granting of a declaration of equivalency of high school graduation;  
15 or other remedial education courses. The Wisconsin works agency may provide case  
16 management services regardless of the individual's income and asset levels.

17           **\*-0608/2.1\* SECTION 1225.** 49.148 (1) (b) 1. of the statutes, as affected by 1997  
18 Wisconsin Act 27, is amended to read:

19           49.148 (1) (b) 1. For a participant in a community service job under s. 49.147  
20 (4) (b), a monthly grant of \$673 paid by the Wisconsin works agency ~~or by the~~  
21 ~~department under sub. (2).~~ If a participant in a community service job under s.  
22 49.147 (4) (b) is required to work fewer than 30 hours per week because the  
23 participant has unsubsidized employment, as defined in s. 49.147 (1) (c), the  
24 Wisconsin works agency may reduce the monthly grant in accordance with a  
25 schedule developed by the department by rule. For every hour that the participant

misses work or education or training activities without good cause, the grant amount shall be reduced by \$5.15. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse. If a participant in a community service job under s. 49.147 (4) (b) is required to work fewer than 30 hours per week because the participant has unsubsidized employment, as defined in s. 49.147 (1) (e), the grant amount under this paragraph may be reduced by an amount equal to the product of \$5.15 and the difference between 30 and the number of hours the participant is required to work.

**\*-1611/7.9\* SECTION 1226.** 49.148 (1) (b) 2. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

49.148 (1) (b) 2. For a participant in a community service job under s. 49.147 (4) (c), minimum wage for every hour actually worked in the community service job, not to exceed ~~15~~ 30 hours per week, paid by the employer, as defined in s. 49.147 (4) (c) 1.

**\*-1611/7.10\* SECTION 1227.** 49.151 (1) (f) of the statutes is created to read:

49.151 (1) (f) If the individual is a participant under s. 49.147 (4) (c), the individual fails, without good cause, to participate in job search activities required under s. 49.147 (4) (c) 3.

**\*-0492/7.21\* SECTION 1228.** 49.155 (1) (ad) of the statutes is created to read:

49.155 (1) (ad) “Administering agency” means the county department, a tribal governing body or the Wisconsin works agency that is required by the department under sub. (3) (a) or (am) to administer child care assistance under this section.

**\*-0492/7.22\* SECTION 1229.** 49.155 (1) (aj) of the statutes is created to read:

1           49.155 (1) (aj) “County department” means a county department under s.  
2           46.215, 46.22 or 46.23.

3           \*~~0701/5.1~~\* SECTION 1230. 49.155 (1) (aL) of the statutes is created to read:  
4           49.155 (1) (aL) “Disabled” means physically or mentally incapable of caring for  
5           oneself.

6           \*~~0492/7.23~~\* SECTION 1231. 49.155 (1) (am) of the statutes is amended to read:  
7           49.155 (1) (am) “Level I certified family day care provider” means a day care  
8           provider certified under s. 48.651 (~~1~~) (1m) (a).

9           \*~~0492/7.24~~\* SECTION 1232. 49.155 (1) (b) of the statutes is amended to read:  
10          49.155 (1) (b) “Level II certified family day care provider” means a day care  
11          provider certified under s. 48.651 (~~1~~) (1m) (b).

12          \*~~0605/3.2~~\* SECTION 1233. 49.155 (1g) (intro.) of the statutes is amended to  
13          read:

14          49.155 (1g) DISTRIBUTION OF FUNDS. (intro.) Subject to sub. (1j) ~~and s. 16.54(2)~~,  
15          the department shall, within the limits of the availability of the federal child care and  
16          development block grant funds received under 42 USC 9858, do all of the following:

17          \*~~0687/5.4~~\* SECTION 1234. 49.155 (1g) (b) of the statutes is amended to read:

18          49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute  
19          ~~\$4,315,000~~ \$15,178,900 in fiscal year ~~1997-98~~ 1999-2000 and ~~\$4,315,000~~  
20          \$12,878,900 in fiscal year ~~1998-99~~ 2000-01 for the purposes of providing technical  
21          assistance for child care providers and of administering the child care program under  
22          this section and for grants under s. 49.136 (2) for the start-up and expansion of child  
23          day care services, and for child day care start-up and expansion planning, for grants  
24          and low-interest loans under s. 49.134 (2) for child day care resource and referral  
25          services, for grants under s. 49.137 (3) to assist child care providers in meeting the

1 quality of care standards established under sub. (1d), and for a system of rates or a  
2 program of grants, as provided under sub. (1d), to reimburse child care providers that  
3 meet those quality of care standards and for grants under s. 49.137 (2) and contracts  
4 under s. 49.137 (4) to improve the quality of child day care services in this state.

5 **\*-0687/5.5\* SECTION 1235.** 49.155 (1g) (c) of the statutes is amended to read:

6 49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer  
7 \$1,687,400 \$3,596,900 in fiscal year 1997-98 1999-2000 and \$1,687,400 \$3,745,200  
8 in fiscal year 1998-99 2000-01 to the appropriation under s. 20.435 (6) (3) (kx), and  
9 transfer \$20,700 in fiscal year 1999-2000 and \$27,700 in fiscal year 2000-01 to the  
10 appropriation under s. 20.435 (8) (kx), for the purpose of day care center licensing  
11 under s. 48.65.

\*\*\*\*NOTE: This is reconciled s. 49.155 (1g) (c). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0320/2 and LRB-0687/4.

12 **\*-0687/5.6\* SECTION 1236.** 49.155 (1g) (d) of the statutes is created to read:

13 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (mc), transfer  
14 \$182,200 in each fiscal year to the appropriation under s. 20.435 (3) (kx) for the  
15 administration of day care programs for foster parents in a county having a  
16 population of 500,000 or more.

17 **\*-0701/5.2\* SECTION 1237.** 49.155 (1m) (intro.) of the statutes is amended to  
18 read:

19 49.155 (1m) ELIGIBILITY. (intro.) A Wisconsin works agency shall determine  
20 eligibility for a child care subsidy under this section. Under this section, an  
21 individual may receive a subsidy for child care for a child who has not attained the  
22 age of 13 or, if the child is disabled, who has not attained the age of 19, if the  
23 individual meets all of the following conditions:

1           **\*-0701/5.3\* SECTION 1238.** 49.155 (1m) (a) (intro.) of the statutes is amended  
2 to read:

3           49.155 (1m) (a) (intro.) The individual is a parent of a child who is under the  
4 age of 13, or, if the child is disabled, is under the age of 19; or is a person who, under  
5 s. 48.57 (3m) or (3n), is providing care and maintenance for a child who is under the  
6 age of 13, or, if the child is disabled, is under the age of 19; and child care services  
7 for that child are needed in order for the individual to do any of the following:

8           **\*-0487/3.1\* SECTION 1239.** 49.155 (1m) (a) 4. (intro.) of the statutes is amended  
9 to read:

10           49.155 (1m) (a) 4. (intro.) Participate in other employment skills training ~~If the~~  
11 Wisconsin works agency determines that basic education would facilitate the  
12 individual's efforts to obtain or maintain employment, participate in basic education,  
13 including an English as a 2nd language course, if the Wisconsin works agency  
14 determines that the course would facilitate the individual's efforts to obtain  
15 employment; literacy tutoring; or a course of study meeting the standards  
16 established by the state superintendent of public instruction under s. 115.29 (4) for  
17 the granting of a declaration of equivalency of high school graduation; a course of  
18 study at a technical college, if the Wisconsin works agency determines that the  
19 course would facilitate the individual's efforts to obtain or maintain employment; or  
20 participation in educational courses that provide an employment skill, as  
21 determined by the department. An individual may receive aid under this subdivision  
22 for up to ~~two~~ 2 years. An individual may not receive aid under this subdivision unless  
23 the individual meets at least one of the following conditions:

24           **\*-0487/3.2\* SECTION 1240.** 49.155 (1m) (a) 4. a. of the statutes is amended to  
25 read:



1           49.155 (1m) (a) 4. a. The individual ~~has been~~ is employed in unsubsidized  
2 employment for ~~9 consecutive months and continues to be so employed.~~

3           \*~~-0487/3.3~~\* SECTION 1241. 49.155 (1m) (a) 5. of the statutes is created to read:

4           49.155 (1m) (a) 5. Participate in a course of study at a technical college, or  
5 participate in educational courses that provide an employment skill, as determined  
6 by the department, if the Wisconsin works agency determines that the course or  
7 courses would facilitate the individual's efforts to obtain or maintain employment.  
8 An individual may receive aid under this subdivision for up to 2 years. An individual  
9 may not receive aid under this subdivision unless the individual meets at least one  
10 of the following conditions:

11           a. The individual has been employed in unsubsidized employment for 3  
12 consecutive months and continues to be so employed.

13           b. The individual is a participant in a Wisconsin works employment position.

14           \*~~-0699/4.2~~\* SECTION 1242. 49.155 (1m) (b) 3. of the statutes is repealed.

15           \*~~-0699/4.3~~\* SECTION 1243. 49.155 (1m) (c) 1. of the statutes is renumbered  
16 49.155 (1m) (c) 1. (intro.) and amended to read:

17           49.155 (1m) (c) 1. (intro.) The gross income of the individual's family is at or  
18 below ~~165%~~ 185% of the poverty line for a family the size of the individual's family  
19 or, for an individual who is already receiving a child care subsidy under this section,  
20 the gross income of the individual's family is at or below 200% of the poverty line for  
21 a family the size of the individual's family. In calculating the gross income of the  
22 family, the Wisconsin works agency shall include income described under s. 49.145  
23 (3) (b) 1. ~~to and 3., except that, in calculating farm and self-employment income, the~~  
24 Wisconsin works agency shall include the sum of the following:

\*\*\*\*NOTE: This is reconciled s. 49.155 (1m) (c) 1. This SECTION has been affected by the following LRB numbers: LRB-0699/3 and LRB-0701/4.

1           **\*-0699/4.4\* SECTION 1244.** 49.155 (1m) (c) 1. a. of the statutes is created to  
2 read:

3           49.155 (1m) (c) 1. a. Net earnings reported to the Internal Revenue Service.

4           **\*-0699/4.5\* SECTION 1245.** 49.155 (1m) (c) 1. b. of the statutes is created to  
5 read:

6           49.155 (1m) (c) 1. b. Depreciation expenses, personal business and  
7 entertainment expenses, personal transportation costs, purchases of capitol  
8 equipment and payments on the principal of loans.

9           **\*-0699/4.6\* SECTION 1246.** 49.155 (1m) (c) 1g. of the statutes is amended to  
10 read:

11           49.155 (1m) (c) 1g. The individual is a foster parent of the child and the child's  
12 biological or adoptive family ~~meets the asset limit under s. 49.145 (3) (a) and~~ has a  
13 gross income that is at or below 200% of the poverty line. In calculating the gross  
14 income of the child's biological or adoptive family, the Wisconsin works agency shall  
15 include income described under s. 49.145 (3) (b) 1. ~~to~~ and 3.

\*\*\*\*NOTE: This is reconciled s. 49.155 (1m) (c) 1g. This SECTION has been affected by the following LRB numbers: LRB-0699/3 and LRB-0701/4.

16           **\*-0699/4.7\* SECTION 1247.** 49.155 (1m) (c) 1h. of the statutes is amended to  
17 read:

18           49.155 (1m) (c) 1h. The individual is a relative of the child, is providing care  
19 for the child under a court order and is receiving payments under s. 48.57 (3m) on  
20 behalf of the child and the child's biological or adoptive family ~~meets the asset limit~~  
21 ~~under s. 49.145 (3) (a) and~~ has a gross income that is at or below 200% of the poverty  
22 line. In calculating the gross income of the child's biological or adoptive family, the

1 Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. ~~to~~  
2 and 3.

\*\*\*\*NOTE: This is reconciled s. 49.155 (1m) (c) 1h. This SECTION has been affected  
by the following LRB numbers: LRB-0699/3 and LRB-0701/4.

3 **\*-1186/4.19\* SECTION 1248.** 49.155 (1m) (c) 3. of the statutes is amended to  
4 read:

5 49.155 (1m) (c) 3. The individual was eligible for a child care subsidy under s.  
6 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care subsidy  
7 on or after May 10, 1996, but lost the subsidy solely because of increased income, and  
8 the gross income of the individual's family is at or below 200% of the poverty line for  
9 a family the size of the individual's family. This subdivision does not apply to an  
10 individual whose family's gross income increased to more than 200% of the poverty  
11 line for a family the size of the individual's family.

12 **\*-0492/7.25\* SECTION 1249.** 49.155 (3) (title) of the statutes is amended to  
13 read:

14 49.155 (3) (title) ~~COUNTY~~ CHILD CARE ADMINISTRATION.

15 **\*-0492/7.26\* SECTION 1250.** 49.155 (3) (a) of the statutes is repealed and  
16 recreated to read:

17 49.155 (3) (a) Except as provided in par. (am), the department may require a  
18 Wisconsin works agency, a tribal governing body or a county department to  
19 administer child care assistance under this section. If the department requires a  
20 county department to administer child care assistance under this section, the  
21 Wisconsin works agency shall refer an individual who has been determined eligible  
22 under sub. (1m) to the county department for child care assistance.

23 **\*-0492/7.27\* SECTION 1251.** 49.155 (3) (am) of the statutes is created to read:

1           49.155 (3) (am) In a county with a population of 500,000 or more, the  
2       department shall require a Wisconsin works agency in that county to administer  
3       child care assistance under this section.

4           **\*-0492/7.28\* SECTION 1252.** 49.155 (3) (b) (intro.) of the statutes is amended  
5       to read:

6           49.155 (3) (b) (intro.) The ~~county department under s. 46.215, 46.22 or 46.23~~  
7       ~~shall administer child care assistance under this section. In administering child care~~  
8       ~~assistance under this section, the county department under s. 46.215, 46.22 or 46.23~~  
9       administering agency shall do all of the following:

10          **\*-0492/7.29\* SECTION 1253.** 49.155 (3m) (a) of the statutes is amended to read:

11          49.155 (3m) (a) The department shall reimburse child care providers or shall  
12       distribute funds to ~~county departments under s. 46.215, 46.22 or 46.23~~  
13       administering agencies for child care services provided under this section and to  
14       private nonprofit agencies that provide child care for children of migrant workers.

15          **\*-0495/2.1\* SECTION 1254.** 49.155 (3m) (b) of the statutes is renumbered  
16       49.155 (3m) (b) (intro.) and amended to read:

17          49.155 (3m) (b) ~~Not more than 5%, or \$20,000, whichever is greater, of~~ Of the  
18       funds distributed under par. (a) not more than the greatest of the following may be  
19       used for the costs of administering the program under this section.;

20          **\*-0495/2.2\* SECTION 1255.** 49.155 (3m) (b) 1. of the statutes is created to read:

21          49.155 (3m) (b) 1. Five percent of the funds distributed under par. (a) in the  
22       current year.

23          **\*-0495/2.3\* SECTION 1256.** 49.155 (3m) (b) 2. of the statutes is created to read:

24          49.155 (3m) (b) 2. Five percent of the funds distributed under par. (a) in the  
25       immediately preceding year.

## SECTION 1257

1           **\*-0495/2.4\* SECTION 1257.** 49.155 (3m) (b) 3. of the statutes is created to read:

2           49.155 (3m) (b) 3. Twenty thousand dollars.

3           **\*-0492/7.30\* SECTION 1258.** 49.155 (3m) (c) of the statutes is amended to read:

4           49.155 (3m) (c) From the funds distributed under par. (a), ~~a county an~~  
5           administering agency may provide child care services itself, purchase child care  
6           services from a child care provider, provide vouchers to an eligible parent for the  
7           payment of child care services provided by a child care provider, reimburse an eligible  
8           parent for payments made by the parent to a child care provider for child care  
9           services, adopt, with the approval of the department, any other arrangement that the  
10          county considers appropriate or use any combination of these methods to provide  
11          child care.

12          **\*-0492/7.31\* SECTION 1259.** 49.155 (3m) (d) of the statutes is amended to read:

13          49.155 (3m) (d) No funds distributed under par. (a) may be used to provide care  
14          for a child by a person who resides with the child, unless the ~~county~~ administering  
15          agency determines that the care is necessary because of a special health condition  
16          of the child.

17          **\*-0492/7.32\* SECTION 1260.** 49.155 (6) (a) of the statutes is amended to read:

18          49.155 (6) (a) Subject to review and approval by the department, each ~~county~~  
19          administering agency or local agency, as defined in s. 49.134 (1) (b), whichever the  
20          department selects, shall establish the maximum reimbursement rate for licensed  
21          child care services provided under this section. ~~A county~~ An administering agency  
22          or local agency shall set the rate so that at least 75% of the number of places for  
23          children within the licensed capacity of all child care providers in that county can be  
24          purchased at or below that maximum rate.

25          **\*-0492/7.33\* SECTION 1261.** 49.155 (6) (b) of the statutes is amended to read:

1           49.155 (6) (b) Subject to review and approval by the department, each ~~county~~  
2           administering agency shall set a maximum reimbursement rate for Level I certified  
3           family day care providers for services provided to eligible individuals under this  
4           section. The maximum rate set under this paragraph may not exceed 75% of the rate  
5           established under par. (a).

6           **\*-0492/7.34\* SECTION 1262.** 49.155 (6) (c) of the statutes is amended to read:

7           49.155 (6) (c) Subject to review and approval by the department, each ~~county~~  
8           administering agency shall set a maximum reimbursement rate for Level II certified  
9           family day care providers for services provided to eligible individuals under this  
10          section. The maximum rate set under this paragraph may not exceed 50% of the rate  
11          established under par. (a).

12          **\*-0492/7.35\* SECTION 1263.** 49.155 (7) (a) of the statutes is renumbered 49.155  
13          (7), and 49.155 (7) (intro.), (a) and (b), as renumbered, are amended to read:

14          49.155 (7) REFUSAL TO PAY CHILD CARE PROVIDERS. (intro.) The department or  
15          ~~the county department under s. 46.215, 46.22 or 46.23~~ administering agency may  
16          refuse to pay a child care provider for child care provided under this section if any  
17          of the following applies to the child care provider, employe or person living on the  
18          premises where child care is provided:

19               (a) The person has been convicted of a felony or misdemeanor that the  
20          department or ~~county department~~ administering agency determines substantially  
21          relates to the care of children.

22               (b) The person is the subject of a pending criminal charge that the department  
23          or ~~county department~~ administering agency determines substantially relates to the  
24          care of children.

1           **\*-0485/4.1\* SECTION 1264.** 49.161 (1) of the statutes, as affected by 1997  
2       Wisconsin Act 27, is amended to read:

3           **49.161 (1) TRIAL JOBS AND WAGE-PAYING COMMUNITY SERVICE JOBS OVERPAYMENTS.**  
4       Notwithstanding s. 49.96, the department shall recover an overpayment of benefits  
5       paid under s. 49.148 (1) (a) ~~and or~~ (b) 2. or 49.19 from an individual who receives ~~or~~  
6       ~~has received~~ benefits paid under s. 49.148 (1) (a) or (b) 2. The value of the benefit  
7       liable for recovery under this subsection may not exceed the amount that the  
8       department paid in wage subsidies with respect to that participant while the  
9       participant was ineligible to participate. The department shall promulgate rules  
10      establishing policies and procedures for administrating this subsection. (st

11           **\*-0485/4.2\* SECTION 1265.** 49.161 (2) of the statutes, as affected by 1999<sup>7</sup>  
12      Wisconsin Act 27, is amended to read:

13           **49.161 (2) GRANT-PAYING COMMUNITY SERVICE JOBS AND TRANSITIONAL PLACEMENTS**  
14      **OVERPAYMENTS.** Except as provided in sub. (3), the department shall recover an  
15      overpayment of benefits paid under s. 49.148 (1) (b) 1. ~~and or~~ (c) or 49.19 from an  
16      individual who continues to receive benefits under s. 49.148 (1) (b) 1. and (c) by  
17      reducing the amount of the individual's benefit payment by no more than 10%.

18           **\*-0702/9.5\* SECTION 1266.** 49.167 of the statutes is created to read:

19           **49.167 Alcohol and other drug abuse treatment grant program. (1)** The  
20      department shall award grants to counties, tribal governing bodies and private  
21      entities to provide community-based alcohol and other drug abuse treatment  
22      programs that are targeted at individuals who are eligible for temporary assistance  
23      for needy families under 42 USC 601 et seq. and that do all of the following:

24           (a) Meet the special needs of low-income persons with problems resulting from  
25      alcohol or other drug abuse.

1 (b) Emphasize parent education, vocational and housing assistance and  
2 coordination with other community programs and with treatment under intensive  
3 care.

4 (2) The department shall do all of the following with respect to the grants under  
5 par. (a):

6 (a) Award the grants in accordance with the department's  
7 request-for-proposal procedures.

8 (b) Ensure that the grants are distributed in both urban and rural  
9 communities.

10 (c) Evaluate the programs under the grants by use of client-outcome  
11 measurements that the department develops.

12 (3) The department shall coordinate the grant program under this section with  
13 any similar grant program administered by the department of health and family  
14 services.

15 **\*-1186/4.20\* SECTION 1267.** 49.175 (1) (intro.) of the statutes, as affected by  
16 1997 Wisconsin Act 27, section 1857pm, is amended to read:

17 49.175 (1) FUNDS DISTRIBUTION. (intro.) Except as provided in sub. (2), within  
18 the limits of the appropriations under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e), (em),  
19 (jg), (jL), (k), (L), (Lm), (mc), (md), (nL), (pm) and (ps), the department shall allocate  
20 the following amounts for the following purposes:

21 **\*-0702/9.6\* SECTION 1268.** 49.175 (1) (a) of the statutes is repealed.

22 **\*-0702/9.7\* SECTION 1269.** 49.175 (1) (b) 1. of the statutes, as affected by 1997  
23 Wisconsin Acts 27 and 252, is repealed.

24 **\*-0702/9.8\* SECTION 1270.** 49.175 (1) (b) 2. of the statutes is renumbered  
25 49.175 (1) (qm) 2.



1       **\*-0702/9.9\* SECTION 1271.** 49.175 (1) (bc) of the statutes is created to read:

2       49.175 (1) (bc) *Wisconsin works benefits.* For Wisconsin works benefits  
3 provided under contracts entered into after December 31, 1999, \$42,792,500 in fiscal  
4 year 1999–2000 and \$85,584,900 in fiscal year 2000–01.

5       **\*-0702/9.10\* SECTION 1272.** 49.175 (1) (bd) of the statutes is created to read:

6       49.175 (1) (bd) *Wisconsin works administration, services and agency bonuses.*  
7 For administration of Wisconsin works, program services under Wisconsin works  
8 and performance bonuses to Wisconsin works agencies that have entered into  
9 contracts after December 31, 1999, \$71,707,500 in fiscal year 1999–2000 and  
10 \$143,415,100 in fiscal year 2000–01.

11       **\*-0702/9.11\* SECTION 1273.** 49.175 (1) (bg) of the statutes is repealed.

12       **\*-0702/9.12\* SECTION 1274.** 49.175 (1) (bm) of the statutes is repealed.

13       **\*-0702/9.13\* SECTION 1275.** 49.175 (1) (c) of the statutes is amended to read:

14       49.175 (1) (c) *Wisconsin works agency contingency fund.* For contingency  
15 payments to Wisconsin works agencies for ~~subsidized employment and office~~  
16 ~~program~~ costs to be distributed under criteria established by the department,  
17 \$25,000,000 \$90,000,000 in the ~~1997–99~~ 1999–2001 fiscal biennium.

18       **\*-0700/2.2\* SECTION 1276.** 49.175 (1) (cr) of the statutes is repealed.

19       **\*-1186/4.21\* SECTION 1277.** 49.175 (1) (d) of the statutes is repealed.

20       **\*-0702/9.14\* SECTION 1278.** 49.175 (1) (e) of the statutes is repealed.

21       **\*-0702/9.15\* SECTION 1279.** 49.175 (1) (f) of the statutes is amended to read:

22       49.175 (1) (f) *State administration of public assistance programs.* For state  
23 administration of public assistance programs, ~~\$37,449,500~~ \$31,905,800 in fiscal year  
24 ~~1997–98~~ 1999–2000 and ~~\$34,338,100~~ \$31,880,800 in fiscal year ~~1998–99~~ 2000–01.

25       **\*-0702/9.16\* SECTION 1280.** 49.175 (1) (fs) of the statutes is amended to read:

1           49.175 (1) (fs) *Food stamps for legal immigrants.* For food stamp benefits  
2 provided under s. ~~49.124 (8)~~ to qualified aliens, ~~as defined in 8 USC1641 (b),~~  
3 ~~\$4,600,000~~ under s. 49.124 (8), \$420,000 in each fiscal year ~~1998-99.~~  
4 Notwithstanding sub. (2), the department may not use any funds allocated under  
5 this paragraph for any other purpose under this subsection. This paragraph does not  
6 apply to the extent that federally funded food stamp benefits for qualified aliens are  
7 restored by the federal government.

8           \*~~-1989/3.2\*~~ SECTION 1281. 49.175 (1) (hd) of the statutes is created to read:

9           49.175 (1) (hd) For the individual development accounts program under s.  
10 49.187, \$650,000 in each fiscal year.

11           \*~~-0702/9.17\*~~ SECTION 1282. 49.175 (1) (i) of the statutes is repealed.

12           \*~~-0702/9.18\*~~ SECTION 1283. 49.175 (1) (j) of the statutes is repealed.

13           \*~~-0702/9.19\*~~ SECTION 1284. 49.175 (1) (L) of the statutes is repealed.

14           \*~~-0702/9.20\*~~ SECTION 1285. 49.175 (1) (m) of the statutes is amended to read:

15           49.175 (1) (m) *Job access loans.* For job access loans under s. 49.147 (6),  
16 ~~\$3,645,600~~ \$600,000 in each fiscal year ~~1997-98~~ and ~~\$866,900~~ in fiscal year ~~1998-99.~~

17           \*~~-0702/9.21\*~~ SECTION 1286. 49.175 (1) (n) of the statutes is amended to read:

18           49.175 (1) (n) *Employment skills advancement grants.* For employment skills  
19 advancement grants under s. 49.185, ~~\$833,300~~ \$100,000 in each fiscal year ~~1997-98~~  
20 and ~~\$1,000,000~~ in fiscal year ~~1998-99.~~

21           \*~~-0702/9.22\*~~ SECTION 1287. 49.175 (1) (o) of the statutes is amended to read:

22           49.175 (1) (o) *Direct child care services.* For direct child care services under s.  
23 ~~ss. 49.155, \$155,547,200~~ and ~~115.3615, \$164,450,900~~ in fiscal year ~~1997-98~~  
24 ~~1999-2000~~ and ~~\$177,427,200~~ \$171,225,000 in fiscal year ~~1998-99~~ 2000-01.

25           \*~~-0702/9.23\*~~ SECTION 1288. 49.175 (1) (p) of the statutes is amended to read:

1       49.175 (1) (p) *Indirect child care services*. For indirect child care services under  
2 s. ~~49.131 (2) (b), \$6,002,400~~ 49.155 (1g), \$18,978,700 in each fiscal year.  
3 ~~Notwithstanding sub. (2), the department may not use any funds allocated under~~  
4 ~~this paragraph for any other purpose under this subsection~~ 1999-2000 and  
5 \$16,834,000 in fiscal year 2000-01.

6       \***-0702/9.24\* SECTION 1289.** 49.175 (1) (pm) of the statutes is created to read:  
7       49.175 (1) (pm) *Early childhood excellence initiative*. For grants under s.  
8 49.1375, \$10,000,000 in each fiscal year.

9       \***-0702/9.25\* SECTION 1290.** 49.175 (1) (q) of the statutes is repealed.

10       \***-0702/9.26\* SECTION 1291.** 49.175 (1) (qm) of the statutes is created to read:  
11       49.175 (1) (qm) *Initial contracts*. 1. Except as provided in subd. 2., for contracts  
12 under s. 49.143 entered into or renewed prior to December 31, 1999, \$32,844,700 in  
13 fiscal year 1999-2000.

14       \***-1611/7.11\* SECTION 1292.** 49.175 (1) (qm) 1. of the statutes, as created by  
15 1999 Wisconsin Act .... (this act), is renumbered 49.175 (1) (qm) and amended to read:  
16       49.175 (1) (qm) ~~Except as provided in subd. 2., for~~ For contracts under s. 49.143  
17 entered into or renewed prior to December 31, 1999, \$32,844,700 in fiscal year  
18 1999-2000.

      \*\*\*\*NOTE: This is reconciled s. 49.175 (1) (qm) 1. This SECTION has been affected by  
drafts with the following LRB numbers: 0702/6 and 1611/5. This reconciled section has  
a delayed effective date of 1-1-2001.

19       \***-1611/7.12\* SECTION 1293.** 49.175 (1) (qm) 2. of the statutes, as affected by  
20 1999 Wisconsin Act .... (this act), is repealed.

      \*\*\*\*NOTE: This is reconciled s. 49.175 (1) (qm) 2. This SECTION has been affected by  
drafts with the following LRB numbers: 0702/6 and 1611/5. This reconciled section has  
a delayed effective date of 1-1-2001.

21       \***-0702/9.27\* SECTION 1294.** 49.175 (1) (qt) of the statutes is created to read:

1           49.175 (1) (qt) *Start-up funding.* For start-up funding for contracts under s.  
2           49.143 entered into after December 31, 1999, \$7,184,400 in fiscal year 1999–2000.

3           \*–0702/9.28\* SECTION 1295. 49.175 (1) (r) of the statutes is amended to read:

4           49.175 (1) (r) *Wisconsin works contracts in certain counties.* For contracts with  
5           persons for oversight of the administrative structure of Wisconsin works, and of  
6           Wisconsin works agencies, in counties having a population of 500,000 or more,  
7           \$1,500,000 in fiscal year 1999–2000 and \$1,000,000 in each fiscal year fiscal year  
8           2000–01.

9           \*–0702/9.29\* SECTION 1296. 49.175 (1) (s) of the statutes is repealed.

10          \*–0702/9.30\* SECTION 1297. 49.175 (1) (sg) of the statutes is created to read:

11          49.175 (1) (sg) *Workforce attachment.* For postemployment services that  
12          promote job retention and advancement and improve the basic skills and literacy of  
13          former Wisconsin works participants and of individuals who have not participated  
14          in Wisconsin works but who are eligible for temporary assistance for needy families  
15          under 42 USC 601 et seq., \$10,000,000 in fiscal year 1999–2000 and \$20,000,000 in  
16          fiscal year 2000–01.

17          \*–0702/9.31\* SECTION 1298. 49.175 (1) (t) of the statutes is amended to read:

18          49.175 (1) (t) *Transportation assistance.* For transportation assistance under  
19          s. 49.157, ~~\$1,000,000~~ \$200,000 in fiscal year ~~1997–98~~ 1999–2000 and \$2,000,000 in  
20          fiscal year ~~1998–99.~~ ~~The department may not distribute the funds under this~~  
21          ~~paragraph unless the joint committee on finance supplements the appropriate~~  
22          ~~appropriation from the appropriation under s. 20.865 (4) (m)~~ 2000–01.

23          \*–0702/9.32\* SECTION 1299. 49.175 (1) (u) of the statutes is amended to read:

## SECTION 1299

1           49.175 (1) (u) *Hospital paternity incentives*. For hospital paternity incentive  
2       payments under s. 69.14 (1) (cm), ~~\$54,000~~ \$91,900 in each fiscal year ~~1997–98 and~~  
3       ~~\$144,000 in fiscal year 1998–99.~~

4           **\*-0702/9.33\* SECTION 1300.** 49.175 (1) (v) of the statutes is amended to read:

5           49.175 (1) (v) *Passports for youth program*. For the passports for youth  
6       program operated by the YMCA of Metropolitan Milwaukee, ~~\$500,000~~ \$300,000 in  
7       each fiscal year 1999–2000. The department may not distribute funds under this  
8       paragraph if the passports for youth program does not comply with P.L. 104–193,  
9       section 103.

10          **\*-0702/9.34\* SECTION 1301.** 49.175 (1) (ve) of the statutes is created to read:

11          49.175 (1) (ve) *Literacy initiative*. For literacy programs targeted at  
12       individuals who are eligible for temporary assistance to needy families under 42 USC  
13       601 et seq., \$2,150,000 in each fiscal year.

14          **\*-0702/9.35\* SECTION 1302.** 49.175 (1) (vL) of the statutes is created to read:

15          49.175 (1) (vL) *Community youth grant*. For a competitive grant program  
16       administered by the department to fund programs that improve social, academic and  
17       employment skills of youth who are eligible to receive temporary assistance for needy  
18       families under 42 USC 601 et seq., \$5,000,000 in fiscal year 1999–2000 and  
19       \$15,000,000 in fiscal year 2000–01.

20          **\*-1922/5.12\* SECTION 1303.** 49.175 (1) (vm) of the statutes is created to read:

21          49.175 (1) (vm) *Work-based learning programs for youth*. For work-based  
22       learning programs for youth funded from the appropriation under s. 20.445 (7) (kc),  
23       \$2,981,800 in fiscal year 1999–2000 and \$6,084,500 in fiscal year 2000–01.

24          **\*-0702/9.36\* SECTION 1304.** 49.175 (1) (vr) of the statutes is created to read:

1           49.175 (1) (vr) *Youth workforce mentoring*. For administrative support for a  
2 youth workforce mentoring program under which retirees are matched with youth,  
3 \$55,000 in each fiscal year.

4           \***-0702/9.37\*** **SECTION 1305.** 49.175 (1) (vt) of the statutes is created to read:

5           49.175 (1) (vt) *Fatherhood initiative*. For a grant program to promote fathers'  
6 involvement in their children's lives, \$75,000 in fiscal year 1999–2000.

7           \***-0702/9.38\*** **SECTION 1306.** 49.175 (1) (vv) of the statutes is created to read:

8           49.175 (1) (vv) *Alcohol and other drug abuse*. For grants made under s. 49.167  
9 to organizations that provide community-based alcohol and other drug abuse  
10 treatment to individuals who are eligible for temporary assistance for needy families  
11 under 42 USC 601 et. seq., \$1,000,000 in each fiscal year.

12           \***-0702/9.39\*** **SECTION 1307.** 49.175 (1) (w) (title) of the statutes is amended to  
13 read:

14           49.175 (1) (w) (title) ~~*Transfer of federal funds to*~~ *Programs administered by the*  
15 *department of health and family services.*

16           \***-0702/9.40\*** **SECTION 1308.** 49.175 (1) (w) (intro.) of the statutes is repealed.

17           \***-0702/9.41\*** **SECTION 1309.** 49.175 (1) (w) 1. of the statutes is amended to  
18 read:

19           49.175 (1) (w) 1. 'Kinship care and long-term kinship care assistance.' For the  
20 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n) and (3p),  
21 \$15,720,400 ~~\$26,322,200~~ in fiscal year ~~1997–98~~ 1999–2000 and ~~\$22,116,400~~  
22 \$26,618,500 in fiscal year ~~1998–99~~ 2000–01.

23           \***-0702/9.42\*** **SECTION 1310.** 49.175 (1) (w) 2. of the statutes is amended to  
24 read:

1           49.175 (1) (w) 2. 'Children of recipients of supplemental security income.' For  
2       payments made under s. 49.775 for the support of the dependent children of  
3       recipients of supplemental security income, ~~\$5,550,200~~ \$9,173,200 in fiscal year  
4       ~~1997-98~~ 1999-2000 and ~~\$13,260,000~~ \$11,066,900 in fiscal year ~~1998-99~~ 2000-01.

5           \*~~0702/9.43~~\* **SECTION 1311.** 49.175 (1)(w) 3. of the statutes is amended to read:  
6           49.175 (1) (w) 3. 'Community aids.' For community aids, \$31,800,000 in each  
7       fiscal year ~~1999-2000~~ and \$18,092,300 in fiscal year 2000-01.

8           \*~~0702/9.44~~\* **SECTION 1312.** 49.175 (1) (w) 4. of the statutes is repealed.

9           \*~~0702/9.45~~\* **SECTION 1313.** 49.175 (1) (w) 5. of the statutes is created to read:  
10          49.175 (1) (w) 5. 'Badger care.' For eligibility determinations under the badger  
11       care program under s. 49.665, \$4,500,000 in each fiscal year.

12          \*~~0702/9.46~~\* **SECTION 1314.** 49.175 (1) (w) 6. of the statutes is created to read:  
13          49.175 (1) (w) 6. 'Early identification of pregnancy.' For outreach and services  
14       under s. 253.085 to low-income pregnant women, \$100,000 in each fiscal year.

15          \*~~0702/9.47~~\* **SECTION 1315.** 49.175 (1) (w) 7. of the statutes is created to read:  
16          49.175 (1) (w) 7. 'Supplemental food program for women, infants and children.'  
17       From the appropriation under s. 20.445 (3) (md), for per capita nutritional services  
18       and administration funding to local agencies that administer the federal special  
19       supplemental food program for women, infants and children under 42 USC 1786 and  
20       the state supplemental food program for women, infants and children under s.  
21       253.06, \$500,000 in each fiscal year.

22          \*~~0702/9.48~~\* **SECTION 1316.** 49.175 (1) (w) 8. of the statutes is created to read:  
23          49.175 (1) (w) 8. 'Adolescent services and pregnancy prevention programs.' For  
24       adolescent services and pregnancy prevention programs, \$1,806,400 in each fiscal  
25       year.

1           **\*-0940/6.4\* SECTION 1317.** 49.175 (1) (x) of the statutes is created to read:

2           49.175 (1) (x) *Brownfields*. For grants under s. 560.13 (2) (am), \$5,000,000 in  
3 each fiscal year.

4           **\*-1631/7.4\* SECTION 1318.** 49.175 (1) (y) of the statutes is created to read:

5           49.175 (1) (y) *Badger Challenge program*. For the Badger Challenge program  
6 under s. 21.25, \$332,700 in each fiscal year.

7           **\*-2024/3.3\* SECTION 1319.** 49.175 (1) (z) of the statutes is created to read:

8           49.175 (1) (z) *Aid to Milwaukee Public Schools*. For aid to the school district  
9 operating under ch. 119 under ss. 119.71, 119.72, 119.75 and 119.82, \$7,570,000 in  
10 each fiscal year.

11           **\*-0488/1.1\* SECTION 1320.** 49.185 (3) (d) of the statutes is amended to read:

12           49.185 (3) (d) The individual has been employed in an unsubsidized job for at  
13 least 9 6 consecutive months before applying for a grant.

14           **\*-0488/1.2\* SECTION 1321.** 49.185 (3) (i) of the statutes is amended to read:

15           49.185 (3) (i) The individual contributes, or obtains from other sources, an  
16 amount at least equal to the amount of the grant, ~~and obtains funding from other~~  
17 ~~sources in an amount at least equal to the amount of the grant~~, for tuition, books,  
18 transportation or other direct costs of the training or education.

19           **\*-1186/4.22\* SECTION 1322.** 49.185 (5) of the statutes is amended to read:

20           49.185 (5) APPLICABILITY. This section applies beginning on ~~the date stated in~~  
21 ~~the notice under s. 49.141 (2) (d), or on November 1, 1997, whichever is later.~~

22           **\*-1989/3.3\* SECTION 1323.** 49.187 of the statutes is created to read:

23           **49.187 Individual development accounts.** (1) ADMINISTRATION. The  
24 department may establish a program to permit individuals who are eligible under  
25 sub. (2) to establish individual development accounts. If the department establishes



1 the program under this section, the program shall be administered in accordance  
2 with P.L. 105-285. The department may contract with community action agencies  
3 under s. 46.30 to administer the program under this section.

4 (2) ELIGIBILITY. An individual is eligible to establish an individual development  
5 account if the all of the following criteria with respect to the individual are met:

6 (a) The individual is at least 18 years old.

7 (b) The individual is a custodial parent, as defined in s. 49.141 (1) (b).

8 (c) The individual meets the eligibility requirements under P.L. 105-285,  
9 section 408 (a). In determining the net worth of an individual's household, as  
10 required under P.L. 105-285, section 408 (a) (2), the community action agency or the  
11 department shall exclude the equity value of vehicles up to a total equity value of  
12 \$10,000 and one home that serves as the homestead of the individual's household.

13 (3) FUNDING FOR AND USE OF AN INDIVIDUAL DEVELOPMENT ACCOUNT. (a) An  
14 individual who establishes an individual development account under this section  
15 may deposit into the account only earned income, as defined in section 911 (d) (2) of  
16 the Internal Revenue Code of 1986. For every \$1 that the individual deposits in the  
17 account, the community action agency with which the department contracts under  
18 sub. (1), or, if the department does not enter into a contract under sub. (1), the  
19 department, shall deposit not less than 50 cents nor more than \$4 into the account.  
20 Moneys deposited in an individual development account may be withdrawn only for  
21 emergencies as provided under P.L. 105-285, section 404 (3) or for qualified expenses  
22 specified under P.L. 105-285, section 404 (8).

23 (b) An individual who establishes an individual development account under  
24 this section shall participate in financial planning and economic education programs  
25 offered by the community action agency or by the department.

1           **\*-1186/4.23\* SECTION 1324.** 49.19 (11s) (a) of the statutes is amended to read:

2           49.19 (11s) (a) The department shall conduct a demonstration project under  
3           this subsection pursuant to a waiver from the secretary of the federal department of  
4           health and human services beginning on January 1, 1996. To the extent permitted  
5           in the waiver, the department may apply pars. (b) to (d) to all recipients of aid under  
6           this section or to a test group of recipients of aid under this section determined by  
7           the department. Paragraphs (b) to (d) do not apply to persons who are subject to s.  
8           49.25, 1997 stats., and shall apply only while a waiver under this paragraph is in  
9           effect and only with respect to recipients covered by the waiver.

10           **\*-1186/4.24\* SECTION 1325.** 49.19 (20) (a) of the statutes is amended to read:

11           49.19 (20) (a) Beginning on January 1, 1999, or beginning on the first day of  
12           the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d),  
13           1997 stats., whichever is sooner, no person is eligible to receive benefits under this  
14           section and no aid may be granted under this section. No additional notice, other  
15           than the enactment of this paragraph, is required to be given under sub. (13) to  
16           recipients of aid under this section to terminate their benefits under this paragraph.

17           **\*-1186/4.25\* SECTION 1326.** 49.191 of the statutes is repealed.

18           **\*-1186/4.26\* SECTION 1327.** 49.193 of the statutes is repealed.

19           **\*-1186/4.27\* SECTION 1328.** 49.195 (1) of the statutes is amended to read:

20           49.195 (1) If any parent at the time of receiving aid under s. 49.19 or a benefit  
21           under s. 49.148, 49.155 or 49.157 or at any time thereafter acquires property by gift,  
22           inheritance, sale of assets, court judgment or settlement of any damage claim, or by  
23           winning a lottery or prize, the county granting such aid, or the Wisconsin works  
24           agency granting such a benefit, may sue the parent on behalf of the department to  
25           recover the value of that portion of the aid or of the benefit which does not exceed the

1 amount of the property so acquired. The value of the aid or benefit liable for recovery  
2 under this section may not include the value of work performed by a member of the  
3 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,  
4 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work  
5 experience component under s. 49.193 (6), 1997 stats. During the life of the parent,  
6 the 10-year statute of limitations may be pleaded in defense against any suit for  
7 recovery under this section; and if such property is his or her homestead it shall be  
8 exempt from execution on the judgment of recovery until his or her death or sale of  
9 the property, whichever occurs first. Notwithstanding the foregoing restrictions and  
10 limitations, where the aid or benefit recipient is deceased a claim may be filed against  
11 any property in his or her estate and the statute of limitations specified in s. 859.02  
12 shall be exclusively applicable. The court may refuse to render judgment or allow  
13 the claim in any case where a parent, spouse or child is dependent on the property  
14 for support, and the court in rendering judgment shall take into account the current  
15 family budget requirement as fixed by the U.S. department of labor for the  
16 community or as fixed by the authorities of the community in charge of public  
17 assistance. The records of aid or benefits paid kept by the county, by the department  
18 or by the Wisconsin works agency are prima facie evidence of the value of the aid or  
19 benefits furnished. Liability under this section shall extend to any parent or  
20 stepparent whose family receives aid under s. 49.19 or benefits under s. 49.148,  
21 49.155 or 49.157 during the period that he or she is a member of the same household,  
22 but his or her liability is limited to such period. This section does not apply to medical  
23 and health assistance payments for which recovery is prohibited or restricted by  
24 federal law or regulation.

25 \***-0485/4.3\*** SECTION 1329. 49.195 (3) of the statutes is amended to read:

1       49.195 (3) A county, tribal governing body, Wisconsin works agency or the  
2       department shall determine whether an overpayment has been made under s. 49.19,  
3       49.148, 49.155 or 49.157 and, if so, the amount of the overpayment. The county, tribal  
4       governing body, Wisconsin works agency or department shall provide notice of the  
5       overpayment to the liable person and shall give that person an opportunity for a  
6       review following the procedure specified under s. 49.152, or for a hearing under ch.  
7       227. Notwithstanding s. 49.96, the department shall promptly recover all  
8       overpayments made under s. 49.19, 49.148, 49.155 or 49.157 that have not already  
9       been received under s. 49.161 or 49.19 (17) and shall promulgate rules establishing  
10      policies and procedures to administer this subsection.

11       \***-0485/4.4\*** **SECTION 1330.** 49.195 (3m) of the statutes is created to read:

12       49.195 (3m) (a) 1. If any person fails to pay to the department any amount  
13      determined under sub. (3), no review or appeal of that determination is pending and  
14      the time for requesting a review or taking an appeal has expired, the department  
15      may issue a warrant directed to the clerk of circuit court of any county.

16       2. The clerk of circuit court shall enter in the judgment and lien docket the  
17      name of the person mentioned in the warrant, the amount for which the warrant is  
18      issued and the date on which the clerk entered that information.

19       3. A warrant entered under subd. 2. shall be considered in all respects as a final  
20      judgment constituting a perfected lien upon the person's right, title and interest in  
21      all real and personal property located in the county in which the warrant is entered.

22       4. After issuing a warrant, the department may file an execution with the clerk  
23      of circuit court for filing with the sheriff of the county, commanding the sheriff to levy  
24      upon and sell sufficient real and personal property of the person to pay the amount  
25      stated in the warrant in the same manner as upon an execution against property

1 issued upon the judgment of a court of record, and to return the warrant to the  
2 department and pay to it the money collected by virtue of the warrant within 60 days  
3 after receipt of the warrant. The execution may not command the sheriff to levy upon  
4 or sell any property that is exempt from execution under ss. 815.18 (3) and 815.20.

5 (b) The clerk of circuit court shall accept, file and enter the warrant in the  
6 judgment and lien docket without prepayment of any fee, but the clerk of circuit court  
7 shall submit a statement of the proper fee semiannually to the department covering  
8 the periods from January 1 to June 30 and July 1 to December 31 unless a different  
9 billing period is agreed to between the clerk of circuit court and the department. The  
10 department shall pay the fees, but shall add the fees provided by s. 814.61 (5) for  
11 entering the warrants to the amount of the warrant and shall collect the fees from  
12 the person named in the warrant when satisfaction or release is presented for entry.

13 (c) If a warrant that is not satisfied in full is returned, the department may  
14 enforce the amount due as if the department had recovered judgment against the  
15 person named in the warrant for the same amount.

16 (d) When the amount set forth in a warrant and all costs due the department  
17 have been paid to it, the department shall issue a satisfaction of the warrant and file  
18 it with the clerk of circuit court. The clerk of circuit court shall immediately enter  
19 a satisfaction of the judgment on the judgment and lien docket. The department  
20 shall send a copy of the satisfaction to the person named in the warrant.

21 (e) If the department finds that the interests of the state will not be jeopardized,  
22 the department may issue a release of any warrant with respect to any real or  
23 personal property upon which the warrant is a lien or cloud upon title. Upon  
24 presentation to the clerk and payment of the fee for filing the release, the clerk shall

1 enter the release of record. The release is conclusive that the lien or cloud upon the  
2 title of the property covered by the release is extinguished.

3 (f) Notwithstanding s. 49.96, at any time after the filing of a warrant, the  
4 department may commence and maintain a garnishee action as provided by ch. 812  
5 or may use the remedy of attachment as provided by ch. 811 for actions to enforce a  
6 judgment. The place of trial of such an action may be either in Dane County or the  
7 county where the debtor resides and may not be changed from the county in which  
8 that action is commenced, except upon consent of the parties.

9 (g) If the department issues an erroneous warrant, the department shall issue  
10 a notice of withdrawal of the warrant to the clerk of circuit court for the county in  
11 which the warrant is filed. The clerk shall void the warrant and any resulting liens.

12 **\*-0485/4.5\* SECTION 1331.** 49.195 (3n) of the statutes is created to read:

13 49.195 (3n) (a) In this subsection:

14 1. "Debt" means the amount of liability determined under sub. (3).

15 2. "Debtor" means an individual who is liable under sub. (3).

16 3. "Disposable earnings" means that part of the earnings of any debtor after the  
17 deduction from those earnings of any amounts required by law to be withheld, any  
18 life, health, dental or similar type of insurance premiums, union dues, any amount  
19 necessary to comply with a court order to contribute to the support of minor children,  
20 and any levy, wage assignment or garnishment executed prior to the date of a levy  
21 under this subsection.

22 4. "Federal minimum hourly wage" means that wage prescribed by 29 USC 206

23 (a) (1).

24 5. "Levy" means all powers of distraint and seizure.

1           6. "Property" includes all tangible and intangible personal property and rights  
2 to such property, including compensation paid or payable for personal services,  
3 whether denominated as wages, salary, commission, bonus or otherwise, periodic  
4 payments received pursuant to a pension or retirement program, rents, proceeds of  
5 insurance and contract payments.

6           (b) If any debtor neglects or refuses to pay a debt after the department has made  
7 demand for payment, the department may collect that debt and the expenses of the  
8 levy by levy upon any property belonging to the debtor. Whenever the value of any  
9 property that has been levied upon under this section is not sufficient to satisfy the  
10 claim of the department, the department may levy upon any additional property of  
11 the person until the debt and expenses of the levy are fully paid.

12           (c) Any person in possession of or obligated with respect to property or rights  
13 to property that is subject to levy and upon which a levy has been made shall, upon  
14 demand of the department, surrender the property or rights or discharge the  
15 obligation to the department, except that part of the property or rights which is, at  
16 the time of the demand, subject to any prior attachment or execution under any  
17 judicial process.

18           (d) 1. Any debtor who fails or refuses to surrender any property or rights to  
19 property that is subject to levy, upon demand by the department, is subject to  
20 proceedings to enforce the amount of the levy.

21           2. Any 3rd party who fails to surrender any property or rights to property  
22 subject to levy, upon demand of the department, is subject to proceedings to enforce  
23 the levy. The 3rd party is not liable to the department under this subdivision for more  
24 than 25% of the debt. The department shall serve the levy as provided under par.

25           (m) on any 3rd party who fails to surrender property under this subdivision.

1 Proceedings may not be initiated by the department until 5 days after service of the  
2 demand.

3 3. When a 3rd party surrenders the property or rights to the property on  
4 demand of the department or discharges the obligation to the department for which  
5 the levy is made, the 3rd party is discharged from any obligation or liability to the  
6 debtor with respect to the property or rights to the property arising from the  
7 surrender or payment to the department.

8 (e) 1. If the department has levied upon property, any person, other than the  
9 debtor who is liable to pay the debt out of which the levy arose, who claims an interest  
10 in or lien on that property and claims that that property was wrongfully levied upon  
11 may bring a civil action against the state in the circuit court for Dane County. That  
12 action may be brought whether or not that property has been surrendered to the  
13 department. The court may grant only the relief under subd. 2. No other action to  
14 question the validity of or restrain or enjoin a levy by the department may be  
15 maintained.

16 2. In an action under subd. 1., if a levy would irreparably injure rights to  
17 property, the court may enjoin the enforcement of that levy. If the court determines  
18 that the property has been wrongfully levied upon, it may grant a judgment for the  
19 amount of money obtained by levy.

20 3. For purposes of an adjudication under this paragraph, the determination of  
21 the debt upon which the interest or lien of the department is based is conclusively  
22 presumed to be valid.

23 (f) The department shall determine its costs and expenses to be paid in all cases  
24 of levy.



**SECTION 1331**

1 (g) 1. The department shall apply all money obtained under this subsection  
2 first against the expenses of the proceedings and then against the liability in respect  
3 to which the levy was made and any other liability owed to the department by the  
4 debtor.

5 2. The department may refund or credit any amount left after the applications  
6 under subd. 1., upon submission of a claim for that amount and satisfactory proof of  
7 the claim, to the person entitled to that amount.

8 (h) The department may release the levy upon all or part of property levied  
9 upon to facilitate the collection of the liability or to grant relief from a wrongful levy,  
10 but that release does not prevent any later levy.

11 (j) If the department determines that property has been wrongfully levied  
12 upon, the department may return the property at any time, or may return an amount  
13 of money equal to the amount of money levied upon.

14 (k) Any person who removes, deposits or conceals or aids in removing,  
15 depositing or concealing any property upon which a levy is authorized under this  
16 subsection with intent to evade or defeat the assessment or collection of any debt may  
17 be fined not more than \$5,000 or imprisoned for not more than 3 years or both, and  
18 shall be liable to the state for the costs of prosecution.

19 (L) If no appeal or other proceeding for review permitted by law is pending and  
20 the time for taking an appeal or petitioning for review has expired, the department  
21 shall make a demand to the debtor for payment of the debt which is subject to levy  
22 and give notice that the department may pursue legal action for collection of the debt  
23 against the debtor. The department shall make the demand for payment and give  
24 the notice at least 10 days prior to the levy, personally or by any type of mail service  
25 which requires a signature of acceptance, at the address of the debtor as it appears

1 on the records of the department. The demand for payment and notice shall include  
2 a statement of the amount of the debt, including interest and penalties, and the name  
3 of the debtor who is liable for the debt. The debtor's refusal or failure to accept or  
4 receive the notice does not prevent the department from making the levy. Notice  
5 prior to levy is not required for a subsequent levy on any debt of the same debtor  
6 within one year of the date of service of the original levy.

7 (m) 1. The department shall serve the levy upon the debtor and 3rd party by  
8 personal service or by any type of mail service which requires a signature of  
9 acceptance.

10 2. Personal service shall be made upon an individual, other than a minor or  
11 incapacitated person, by delivering a copy of the levy to the debtor or 3rd party  
12 personally; by leaving a copy of the levy at the debtor's dwelling or usual place of  
13 abode with some person of suitable age and discretion residing there; by leaving a  
14 copy of the levy at the business establishment with an officer or employe of the  
15 establishment; or by delivering a copy of the levy to an agent authorized by law to  
16 receive service of process.

17 3. The department representative who serves the levy shall certify service of  
18 process on the notice of levy form and the person served shall acknowledge receipt  
19 of the certification by signing and dating it. If service is made by mail, the return  
20 receipt is the certificate of service of the levy.

21 4. The debtor's or 3rd party's failure to accept or receive service of the levy does  
22 not invalidate the levy.

23 (n) Within 20 days after the service of the levy upon a 3rd party, the 3rd party  
24 shall file an answer with the department stating whether the 3rd party is in  
25 possession of or obligated with respect to property or rights to property of the debtor,

1 including a description of the property or the rights to property and the nature and  
2 dollar amount of any such obligation.

3 (p) A levy is effective from the date on which the levy is first served on the 3rd  
4 party until the liability out of which the levy arose is satisfied, until the levy is  
5 released or until one year from the date of service, whichever occurs first.

6 (q) 1. The debtor is entitled to an exemption from levy of the greater of the  
7 following:

8 a. A subsistence allowance of 75% of the debtor's disposable earnings then due  
9 and owing.

10 b. An amount equal to 30 times the federal minimum hourly wage for each full  
11 week of the debtor's pay period; or, in the case of earnings for a period other than a  
12 week, a subsistence allowance computed so that it is equivalent to that amount using  
13 a multiple of the federal minimum hourly wage prescribed by the department by  
14 rule.

15 2. The first \$1,000 of an account in a depository institution is exempt from any  
16 levy to recover a benefit overpayment.

17 (r) No employer may discharge or otherwise discriminate with respect to the  
18 terms and conditions of employment against any employee by reason of the fact that  
19 his or her earnings have been subject to levy for any one levy or because of compliance  
20 with any provision of this subsection. Any person who violates this paragraph may  
21 be fined not more than \$1,000 or imprisoned for not more than one year or both.

22 (s) Any debtor who is subject to a levy proceeding made by the department has  
23 the right to appeal the levy proceeding under ch. 227.44. The appeal is limited to  
24 questions of prior payment of the debt that the department is proceeding against,

1 and mistaken identity of the debtor. The levy is not stayed pending an appeal in any  
2 case where property is secured through the levy.

3 (t) Any 3rd party is entitled to a levy fee of \$5 for each levy in any case where  
4 property is secured through the levy. The 3rd party shall deduct the fee from the  
5 proceeds of the levy.

6 **\*-0485/4.6\* SECTION 1332.** 49.195 (3n) (k) of the statutes, as created by 1999  
7 Wisconsin Act .... (this act), is amended to read:

8 49.195 (3n) (k) Any person who removes, deposits or conceals or aids in  
9 removing, depositing or concealing any property upon which a levy is authorized  
10 under this subsection with intent to evade or defeat the assessment or collection of  
11 any debt may be fined not more than \$5,000 or imprisoned for not more than ~~3 years~~  
12 4 years and 6 months or both, and shall be liable to the state for the costs of  
13 prosecution.

14 **\*-0485/4.7\* SECTION 1333.** 49.195 (3n) (r) of the statutes, as created by 1999  
15 Wisconsin Act .... (this act), is amended to read:

16 49.195 (3n) (r) No employer may discharge or otherwise discriminate with  
17 respect to the terms and conditions of employment against any employee by reason  
18 of the fact that his or her earnings have been subject to levy for any one levy or  
19 because of compliance with any provision of this subsection. Any person who violates  
20 this paragraph may be fined not more than \$1,000 or imprisoned for not more than  
21 ~~one year~~ 2 years or both.

22 **\*-0485/4.8\* SECTION 1334.** 49.195 (3p) of the statutes is created to read:

23 49.195 (3p) The availability of the remedies under subs. (3m) and (3n) does not  
24 abridge the right of the department to pursue other remedies.

25 **\*-0485/4.9\* SECTION 1335.** 49.195 (3r) of the statutes is created to read:

**SECTION 1335**

1           49.195 (3r) From the appropriation under s. 20.445 (3) (L) the department may  
2 contract with or employ a collection agency or other person to enforce a repayment  
3 obligation of a person who is found liable under sub. (3) who is delinquent in making  
4 repayments.

5           \*-1186/4.28\* **SECTION 1336.** 49.20 of the statutes is repealed.

6           \*-1186/4.29\* **SECTION 1337.** 49.21 of the statutes is repealed.

7           \*-0497/4.3\* **SECTION 1338.** 49.23 (1) of the statutes is amended to read:

8           49.23 (1) From the appropriation under s. 20.445 (3) ~~(eb)~~ (k), the department  
9 shall award grants to counties for programs to revise child support orders. Each  
10 county receiving a grant shall review child support orders awarded to persons who  
11 receive benefits under s. 48.57 (3m) or (3n) or 49.148 or whose children receive  
12 benefits under s. 49.19 and to persons who do not receive benefits under s. 48.57 (3m)  
13 or (3n) or 49.148 and whose children do not receive benefits under s. 49.19 and shall  
14 initiate actions to revise the orders based on that review. Each county receiving a  
15 grant shall review child support orders awarded to persons who receive benefits  
16 under s. 48.57 (3m) or (3n) or 49.148 or whose children receive benefits under s. 49.19  
17 and child support orders awarded to persons who do not receive benefits under s.  
18 48.57 (3m) or (3n) or 49.148 and whose children do not receive benefits under s. 49.19  
19 in proportion to the number of those 2 categories of orders in the county's child  
20 support case load. Before a county may initiate an action to revise a child support  
21 order under this subsection for a person who does not receive benefits under s. 48.57  
22 (3m) or (3n) or 49.148 and whose children do not receive benefits under s. 49.19, the  
23 custodial parent of the children must voluntarily consent to the revision.

24           \*-0497/4.4\* **SECTION 1339.** 49.23 (2) (a) (intro.) of the statutes is amended to  
25 read:

1           49.23 (2) (a) (intro.) From the appropriation under s. 20.445 (3) ~~(eb)~~ (k), the  
2       department shall provide state incentive payments, in a total amount of not less than  
3       \$259,000 in each fiscal year, to counties that meet the child support collection and  
4       child support administrative efficiency criteria, according to a distribution formula  
5       determined by the department that does all of the following:

6           **\*-0497/4.5\* SECTION 1340.** 49.23 (2) (a) 3. of the statutes is repealed.

7           **\*-0497/4.6\* SECTION 1341.** 49.24 (1) of the statutes, as affected by 1997  
8       Wisconsin Act 27, section 1882n, is amended to read:

9           49.24 (1) From the appropriation under s. 20.445 (3) (k), the department shall  
10      provide child support incentive payments to counties to offset reduced federal child  
11      support incentive payments. Total payments under this subsection may not exceed  
12      ~~\$3,178,000~~ \$3,850,000 in fiscal year ~~1997-98~~ 1999-2000 or \$3,850,000 in fiscal year  
13      ~~1998-99~~ 2000-01.

14          **\*-1186/4.30\* SECTION 1342.** 49.25 of the statutes is repealed.

15          **\*-1186/4.31\* SECTION 1343.** 49.26 (1) (h) 1. as. of the statutes is amended to  
16      read:

17          49.26 (1) (h) 1. as. The individual has failed to request a hearing or has failed  
18      to show good cause for not cooperating with case management efforts in a hearing.  
19      ~~If the individual is a recipient of aid under s. 49.19, the hearing shall be requested~~  
20      ~~and held under s. 49.21 (1). If the individual is a member of a Wisconsin works group,~~  
21      ~~as defined in s. 49.141 (1) (s), the~~ The hearing shall be requested and held under s.  
22      49.152. The department shall determine by rule the criteria for good cause.

23          **\*-1186/4.32\* SECTION 1344.** 49.27 of the statutes is repealed.

24          **\*-0500/1.1\* SECTION 1345.** 49.30 (1m) (c) of the statutes is created to read:

1           49.30 (1m) (c) If a request for payment under sub. (1) is made more than 12  
2 months after the death of the recipient, the county or applicable tribal governing  
3 body or organization responsible for burial of the recipient is not required to make  
4 a payment for cemetery, funeral or burial expenses.

5           \*~~1186/4.33~~\* SECTION 1346. 49.36 (2) of the statutes is amended to read:

6           49.36 (2) The department may contract with any county or Wisconsin works  
7 agency to administer a work experience and job training program for parents who  
8 are not custodial parents and who fail to pay child support or to meet their children's  
9 needs for support as a result of unemployment or underemployment. The program  
10 may provide the kinds of work experience and job training services available from  
11 the program under s. 49.193, 1997 stats., or s. 49.147 (3) or (4). The program may  
12 also include job search and job orientation activities. The department shall fund the  
13 program from the appropriation under s. 20.445 (3) (dz).

          \*\*\*NOTE: This is reconciled s. 49.36 (2). This section has been affected by the  
following LRB drafts: -0786/1 and 1186/3.

14          \*~~1186/4.34~~\* SECTION 1347. 49.36 (3) (g) of the statutes is repealed.

          \*\*\*NOTE: This is reconciled s. 49.36 (3) (g). This section has been affected by the  
following LRB drafts: -0786/1 and 1186/3.

15          \*~~0786/2.1~~\* SECTION 1348. 49.36 (7) of the statutes is amended to read:

16          49.36 (7) The department shall pay a county or Wisconsin works agency ~~\$200~~  
17 \$400 for each person who participates in the program under this section in the region  
18 in which the county or Wisconsin works agency administers the program under this  
19 section. The county or Wisconsin works agency shall pay any additional costs of the  
20 program.

21          \*~~0702/9.49~~\* SECTION 1349. 49.37 of the statutes is repealed.

22          \*~~0266/3.2~~\* SECTION 1350. 49.43 (8) of the statutes is amended to read:

1           49.43 (8) “Medical assistance” means any services or items under ss. 49.45 to  
2           49.47 49.472, except s. 49.472 (6), and under ss. 49.49 to 49.497, or any payment or  
3           reimbursement made for such services or items.

4           \***-0028/7.45\* SECTION 1351.** 49.45 (2) (a) 4. of the statutes is amended to read:

5           49.45 (2) (a) 4. To the extent funds are available under s. 20.435 ~~(1)~~ (4) (bm),  
6           certify all proper charges and claims for administrative services to the department  
7           of administration for payment and the department of administration shall draw its  
8           warrant forthwith.

9           \***-1098/3.1\* SECTION 1352.** 49.45 (2) (a) 9. of the statutes is amended to read:

10          49.45 (2) (a) 9. Periodically ~~set forth~~ prescribe conditions of participation and  
11          terms of reimbursement in a contract with provider of service under this section.

12          \***-1098/3.2\* SECTION 1353.** 49.45 (2) (a) 10. of the statutes is renumbered 49.45

13          (2) (a) 10. a. and amended to read:

14          49.45 (2) (a) 10. a. ~~After reasonable notice and opportunity for hearing, recover~~  
15          Recover money improperly or erroneously paid, or overpayments to a provider either  
16          by offsetting or adjusting amounts owed the provider under the program, crediting  
17          against a provider’s future claims for reimbursement for other services or items  
18          furnished by the provider under the program, ~~or by~~ or requiring the provider to make  
19          direct payment to the department or its fiscal intermediary.

20          \***-1098/3.3\* SECTION 1354.** 49.45 (2) (a) 10. b. of the statutes is created to read:

21          49.45 (2) (a) 10. b. Promptly afford the provider an opportunity to present  
22          information and argument regarding a recovery imposed under this subdivision, but  
23          the department need not stay collection of the amount to be recovered pending that  
24          opportunity.

25          \***-1098/3.4\* SECTION 1355.** 49.45 (2) (a) 10. c. of the statutes is created to read:



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1           49.45 (2) (a) 10. c. Establish a deadline for payment of a recovery imposed under  
2 this subdivision and, if a provider fails to pay all of the amount to be recovered by the  
3 deadline, require payment by the provider of interest on any delinquent amount at  
4 the rate of 1% per month or fraction of a month from the date of the overpayment.

5           \*-1098/3.5\* SECTION 1356. 49.45 (2) (a) 11. of the statutes is amended to read:

6           49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of  
7 ~~services under Title XIX of the social security act~~ medical assistance and, except as  
8 provided in par. (b) 6. and 7. and s. 49.48, certify ~~such eligible providers who meet~~  
9 the criteria.

10          \*-1098/3.6\* SECTION 1357. 49.45 (2) (a) 12. of the statutes is amended to read:

11          49.45 (2) (a) 12. Decertify ~~or suspend under this subdivision~~ a provider from  
12 or restrict a provider's participation in the medical assistance program, if after  
13 giving reasonable notice and opportunity for hearing, the department finds that the  
14 provider has violated a federal statute or regulation or a state law statute or  
15 administrative rule and ~~such violations are~~ the violation is by law statute, regulation  
16 or rule grounds for decertification or suspension restriction. The department shall  
17 suspend the provider pending the hearing under this subdivision if the department  
18 includes in its decertification notice findings that the provider's continued  
19 participation in the medical assistance program pending hearing is likely to lead to  
20 the irretrievable loss of public funds and is unnecessary to provide adequate access  
21 to services to medical assistance recipients. As soon as practicable after the hearing,  
22 the department shall issue a written decision. No payment may be made under the  
23 medical assistance program with respect to any service or item furnished by the  
24 provider subsequent to decertification or during the period of suspension.

25          \*-1098/3.7\* SECTION 1358. 49.45 (2) (a) 13. of the statutes is amended to read:

1           49.45 (2) (a) 13. Impose additional sanctions for noncompliance with the  
2           conditions of participation and terms of provider agreements reimbursement under  
3           subd. 9. or certification criteria established under subd. 11. and, if prescribed by the  
4           department, under par. (b) 6. or 7.

5           \***-1098/3.8\* SECTION 1359.** 49.45 (2) (a) 14. of the statutes is repealed.

6           \***-0028/7.46\* SECTION 1360.** 49.45 (2) (a) 17. of the statutes is amended to read:

7           49.45 (2) (a) 17. Notify the governor, the joint committee on legislative  
8           organization, the joint committee on finance and appropriate standing committees,  
9           as determined by the presiding officer of each house, if the appropriation under s.  
10          20.435 ~~(5)~~ (4) (b) is insufficient to provide the state share of medical assistance.

11          \***-1098/3.9\* SECTION 1361.** 49.45 (2) (b) 6. of the statutes is created to read:

12          49.45 (2) (b) 6. Prescribe criteria for certification of providers of medical  
13          assistance that limit the number of providers of particular services or that limit the  
14          amount of resources, including employees and equipment, that a certified provider  
15          may use to provide particular services to medical assistance recipients, if the  
16          department finds all of the following:

17           a. That existing certified providers and resources provide services that are  
18           adequate in quality and amount to meet the need of medical assistance recipients for  
19           the particular services.

20           b. That the potential for medical assistance fraud or abuse exists if additional  
21           providers are certified or additional resources are used by certified providers.

22          \***-1098/3.10\* SECTION 1362.** 49.45 (2) (b) 7. of the statutes is created to read:

23          49.45 (2) (b) 7. Require, as a condition of certification under par. (a) 11., all  
24          providers of a specific service that is among those enumerated under s. 49.46 (2) (b)  
25          or 49.47 (6) (a), as specified in this subdivision, to file with the department a surety

1 bond issued by a surety company licensed to do business in this state. Providers  
2 subject to this subdivision provide those services specified under s. 49.46 (2) (b) or  
3 49.47 (6) (a) for which providers have demonstrated significant potential to violate  
4 s. 49.489 (2) or (3) or 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a) or (4m) (a),  
5 to require recovery under par. (a) 10. or to need additional sanctions under par. (a)  
6 13. The surety bond shall be payable to the department and in an amount that would  
7 reasonably pay the amount of a recovery and the department's costs to pursue  
8 recovery under par. (a) 10. or to investigate and pursue allegations of violations of  
9 s. 49.489 or 49.49. The department shall promulgate rules under this subdivision  
10 that specify all of the following:

11 a. Services under medical assistance for which providers have demonstrated  
12 significant potential to violate s. 49.489 (2) or (3) or 49.49 (1) (a), (2) (a) or (b), (3), (3m)  
13 (a), (3p), (4) (a) or (4m) (a), to require recovery under par. (a) 10. or to need additional  
14 sanctions under par. (a) 13.

15 b. The amount or amounts of the surety bonds.

16 c. Terms of the surety bond, including amounts, if any, without interest to be  
17 refunded to the provider upon withdrawal or decertification from the medical  
18 assistance program.

19 **\*-0030/2.71\* SECTION 1363.** 49.45 (3) (ag) of the statutes is amended to read:  
20 49.45 (3) (ag) Reimbursement shall be made to each entity contracted with  
21 under s. ~~46.271 (2m)~~ 46.281 (1) (d) for assessments ~~completed~~ functional screens  
22 performed under s. ~~46.271 (2m) (a) 2.~~ 46.281 (1) (d).

23 **\*-0028/7.47\* SECTION 1364.** 49.45 (3) (am) 1. of the statutes is amended to  
24 read:

1           49.45 (3) (am) 1. From the appropriation under s. 20.435 ~~(1)~~ (4) (bm), the  
2       department shall make incentive payments to counties to encourage counties to  
3       identify medical assistance applicants and recipients who have other health care  
4       coverage and the providers of the health care coverage and give that information to  
5       the department.

6           \***-1098/3.11\* SECTION 1365.** 49.45 (3) (f) 3. of the statutes is amended to read:

7           49.45 (3) (f) 3. Contractors under sub. (2) (b) shall maintain records as required  
8       by the department for audit purposes. ~~Contractors~~ Upon request of the department,  
9       contractors shall immediately provide the department access to the records ~~upon~~  
10      ~~request of the department, and, which~~ the department may audit ~~the records~~.

11          \***-1098/3.12\* SECTION 1366.** 49.45 (3) (g) of the statutes is amended to read:

12          49.45 (3) (g) The secretary may ~~appoint~~ authorize personnel to audit or  
13      investigate and report to the department on any matter involving violations or  
14      complaints alleging violations of laws statutes, regulations, or rules applicable to  
15      ~~Title XIX of the federal social security act or the medical assistance program and to~~  
16      perform such investigations or audits as are required to verify the actual provision  
17      of services or items available under the medical assistance program and the  
18      appropriateness and accuracy of claims for reimbursement submitted by providers  
19      participating in the program. Department employes ~~appointed~~ authorized by the  
20      secretary under this paragraph shall be issued, and shall possess at all times ~~during~~  
21      ~~which~~ while they are performing their investigatory or audit functions under this  
22      section, identification, signed by the secretary ~~which, that~~ specifically designates the  
23      bearer as possessing the authorization to conduct medical assistance investigations  
24      or audits. ~~Pursuant to~~ Under the request of a designated person and upon  
25      presentation of ~~that~~ the person's authorization, providers and medical assistance

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1 recipients shall immediately accord ~~such~~ the person access to any provider  
2 personnel, records, books, ~~recipient medical records~~, or documents or other  
3 information needed. Under the written request of a designated person and upon  
4 presentation of the person's authorization, providers and recipients shall  
5 immediately accord the person access to any needed patient health care records of  
6 a recipient. Authorized employes ~~shall have authority to~~ may hold hearings,  
7 administer oaths, take testimony and perform all other duties necessary to bring  
8 ~~such~~ the matter before the department for final adjudication and determination.

9 \***-1098/3.13\*** SECTION 1367. 49.45 (3) (h) 1. of the statutes is repealed.

10 \***-1098/3.14\*** SECTION 1368. 49.45 (3) (h) 2. of the statutes is repealed.

11 \***-1098/3.15\*** SECTION 1369. 49.45 (3) (h) 3. of the statutes is renumbered 49.45  
12 (3) (h) and amended to read:

13 49.45 (3) (h) The failure or refusal of a ~~person to purge himself or herself of~~  
14 ~~contempt found under s. 885.12 and perform the act as required by law shall~~  
15 ~~constitute provider immediately to accord department auditors under par. (f) 3. or~~  
16 ~~investigators under par. (g) access to any provider personnel, records, books, patient~~  
17 ~~health care records of medical assistance recipients or documents or other~~  
18 ~~information requested constitutes grounds for decertification or suspension of that~~  
19 ~~person~~ the provider from participation in the medical assistance program and no  
20 payment may be made for services rendered by ~~that person subsequent to the~~  
21 provider following decertification or during the period of suspension.

22 \***-0028/7.48\*** SECTION 1370. 49.45 (3) (j) of the statutes is amended to read:

23 49.45 (3) (j) Reimbursement for administrative contract costs under this  
24 section is limited to the funds available under s. 20.435 ~~(1)~~ (4) (bm).

1           **\*-0264/3.1\* SECTION 1371.** 49.45 (5m) (a) of the statutes is renumbered 49.45  
2           (5m) (am) and amended to read:

3           49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriations under  
4           s. 20.435 (5) (4) (b) and (o) the department shall distribute not more than \$2,256,000  
5           in each fiscal year, to provide supplemental funds to rural hospitals that, as  
6           determined by the department, have high utilization of inpatient services by  
7           patients whose care is provided from governmental sources, and to provide  
8           supplemental funds to critical access hospitals, except that the department may not  
9           distribute funds to a rural hospital or to a critical access hospital to the extent that  
10          the distribution would exceed any limitation under 42 USC 1396b (i) (3).

      \*\*\*NOTE: This is reconciled s. 49.45 (5m) (am). This paragraph has been affected  
by drafts with the following LRB numbers: LRB-0028/6 and LRB-0264/2.

11          **\*-0264/3.2\* SECTION 1372.** 49.45 (5m) (ag) of the statutes is created to read:  
12          49.45 (5m) (ag) In this subsection, "critical access hospital" has the meaning  
13          given in s. 50.33 (1g).

14          **\*-0264/3.3\* SECTION 1373.** 49.45 (5m) (b) of the statutes is amended to read:  
15          49.45 (5m) (b) The supplemental funding for rural hospitals under par. (a) (am)  
16          shall be based on the utilization, by recipients of medical assistance, of the total  
17          inpatient days of a rural hospital in relation to that utilization in other rural  
18          hospitals.

19          **\*-0328/1.1\* SECTION 1374.** 49.45 (6b) (intro.) of the statutes is renumbered  
20          49.45 (6b) and amended to read:

21          49.45 (6b) CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the  
22          appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of  
23          services provided by the centers for the developmentally disabled. Reimbursement

1 to the centers for the developmentally disabled shall be reduced following each  
2 placement made under s. 46.275 ~~which~~ that involves a relocation from a center for  
3 the developmentally disabled, ~~as follows: by \$184 per day, beginning in fiscal year~~  
4 1999-2000, and by \$190 per day, beginning in fiscal year 2000-01.

5 **\*-0328/1.2\* SECTION 1375.** 49.45 (6b) (a) of the statutes is repealed.

6 **\*-0328/1.3\* SECTION 1376.** 49.45 (6b) (b) of the statutes is repealed.

7 **\*-0328/1.4\* SECTION 1377.** 49.45 (6b) (c) of the statutes is repealed.

8 **\*-0028/7.49\* SECTION 1378.** 49.45 (6m) (ag) (intro.) of the statutes is amended  
9 to read:

10 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this  
11 subsection made under s. 20.435 (1) ~~(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z)~~ or (5) (b) or (o) shall, except as provided  
12 in pars. (bg), (bm) and (br), be determined according to a prospective payment system  
13 updated annually by the department. The payment system shall implement  
14 standards that are necessary and proper for providing patient care and that meet  
15 quality and safety standards established under subch. II of ch. 50 and ch. 150. The  
16 payment system shall reflect all of the following:

\*\*\*\*NOTE: This redraft (-0028/5) deletes treatment of s. 49.45 (6m) (ag) 8., which is  
repealed in LRB-1756. If LRB-1756 is not included in the budget bill, the treatment  
should be restored.

17 **\*-1756/2.1\* SECTION 1379.** 49.45 (6m) (ag) 3m. of the statutes is repealed.

18 **\*-1756/2.2\* SECTION 1380.** 49.45 (6m) (ag) 8. of the statutes is repealed.

19 **\*-1756/2.3\* SECTION 1381.** 49.45 (6m) (ar) 1. a. of the statutes is amended to  
20 read:

21 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of  
22 allowable direct care costs, for facilities that do not primarily serve the  
23 developmentally disabled, that ~~are not less than the median for~~ take into account

1 direct care costs for a sample of all of those facilities in this state and separate  
2 standards for payment of allowable direct care costs, for facilities that primarily  
3 serve the developmentally disabled, that ~~are not less than the median for take into~~  
4 account direct care costs for a sample of all of those facilities in this state. The  
5 standards shall be adjusted by the department for regional labor cost variations.

6 **\*-1756/2.4\* SECTION 1382.** 49.45 (6m) (ar) 1. cm. of the statutes is amended  
7 to read:

8 49.45 (6m) (ar) 1. cm. ~~Notwithstanding the limitations under par. (ag) 8.,~~  
9 ~~funding~~ Funding distributed to facilities for the provision of active treatment to  
10 residents with a diagnosis of developmental disability shall be distributed in  
11 accordance with a method developed by the department which is consistent with a  
12 prudent buyer approach to payment for services.

13 **\*-1756/2.5\* SECTION 1383.** 49.45 (6m) (ar) 2. a. of the statutes is amended to  
14 read:

15 49.45 (6m) (ar) 2. a. The department shall establish one or more standards for  
16 the payment of support service costs that ~~are not less than the median of take into~~  
17 account support service costs for a sample of all facilities within the state.

18 **\*-1756/2.6\* SECTION 1384.** 49.45 (6m) (ar) 3. a. of the statutes is amended to  
19 read:

20 49.45 (6m) (ar) 3. a. The department shall establish standards, adjusted for  
21 heating degree day variations in the state, for payment of fuel and utility costs that  
22 ~~are not less than the median of take into account~~ heating fuel and utility costs for a  
23 sample of all facilities within the state.

24 **\*-1756/2.7\* SECTION 1385.** 49.45 (6m) (ar) 4. of the statutes is amended to read:



**SECTION 1385**

1           49.45 (6m) (ar) 4. For net property taxes or municipal services, payment shall  
2     be made for ~~these costs that range from~~ the amount of the previous calendar year's  
3     tax or the amount of municipal service costs for a period specified by the department,  
4     subject to a maximum limit as determined by the department.

5           \*-1756/2.8\* **SECTION 1386.** 49.45 (6m) (ar) 5. a. of the statutes is amended to  
6     read:

7           49.45 (6m) (ar) 5. a. The department shall establish one or more standards for  
8     the payment of administrative and general costs that ~~are not less than the median~~  
9     of take into account administrative and general costs for a sample of all facilities  
10    within the state.

11          \*-1756/2.9\* **SECTION 1387.** 49.45 (6m) (ar) 6. of the statutes is amended to read:

12          49.45 (6m) (ar) 6. Capital payment shall be based on a replacement value for  
13    a facility. The replacement value shall be determined by a commercial estimator  
14    contracted for by the department and paid for by the facility. The replacement value  
15    shall be subject to limitations determined by the department, ~~except that the~~  
16    ~~department may not reduce final capital payment of a facility by more than \$3.50 per~~  
17    patient day.

18          \*-1756/2.10\* **SECTION 1388.** 49.45 (6m) (av) 1. of the statutes is amended to  
19    read:

20          49.45 (6m) (av) 1. The department shall calculate a payment rate for a facility  
21    by applying the criteria set forth under pars. (ag) 1. to 5., and 7. and 8., (am) 1. to 5.  
22    and (ar) 1. to 5. to information from cost reports submitted by the facility.

23          \*-1756/2.11\* **SECTION 1389.** 49.45 (6m) (av) 5m. of the statutes is amended to  
24    read:

1           49.45 (6m) (av) 5m. ~~Notwithstanding the limitations under par. (ag) 8., the~~ The  
2           rate under subd. 1., 4. or 5. may be adjusted by the department to reflect payments  
3           for the provision of active treatment to facility residents with a diagnosis of  
4           developmental disability.

5           **\*-1756/2.12\* SECTION 1390.** 49.45 (6m) (bp) (intro.) of the statutes is amended  
6           to read:

7           49.45 (6m) (bp) (intro.) Notwithstanding pars. ~~(ag) 3m.,~~ (am) 6. and (ar) 6., the  
8           department may establish payment methods based on actual costs for capital  
9           payment for a facility to which, after December 31, 1982, any of the following applies:

10          **\*-0027/5.31\* SECTION 1391.** 49.45 (6m) (br) 1. of the statutes is amended to  
11          read:

12          49.45 (6m) (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 ~~(5)~~ (4) (bt) ~~or (bu)~~  
13          or (7) (b) or 20.445 (3) (dz), the department shall reduce allocations of funds to  
14          counties in the amount of the disallowance from the appropriation account under s.  
15          20.435 ~~(5)~~ (4) (bt) ~~or (bu)~~ or (7) (b), or the department shall direct the department of  
16          workforce development to reduce allocations of funds to counties or Wisconsin works  
17          agencies in the amount of the disallowance from the appropriation account under s.  
18          20.445 (3) (dz) or direct the department of corrections to reduce allocations of funds  
19          to counties in the amount of the disallowance from the appropriation account under  
20          s. 20.410 (3) (cd), in accordance with s. 16.544 to the extent applicable. *pgt*

*Set* \*\*\*\*NOTE: This provision contains a cross-reference to s. 20.435 (5) (bt), which is  
renumbered in this bill to s. 20.435 (4) (bt) to conform to the changes in LRB-0028. If  
LRB-0028 is not included in the budget bill, this renumbering should be deleted.

21          **\*-0030/2.72\* SECTION 1392.** 49.45 (6m) (c) 5. of the statutes is amended to  
22          read:

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1           49.45 (6m) (c) 5. Admit only patients assessed or who waive or are exempt from  
2           the requirement of assessment under s. 46.27 (6) (a) or, if required under s. 50.035  
3           (4n) or 50.04 (2h), who have been referred to a resource center.

4           **\*-0028/7.50\* SECTION 1393.** 49.45 (6t) (intro.) of the statutes is amended to  
5           read:

6           **49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING**  
7           **DEFICIT REDUCTION.** (intro.) From the appropriation under s. 20.435 ~~(5)~~ (4) (o), for  
8           reduction of operating deficits, as defined under criteria developed by the  
9           department, incurred by a county department under s. 46.215, 46.22, 46.23 or 51.42  
10          or by a local health department, as defined in s. 250.01 (4), for services provided  
11          under s. 49.46 (2) (a) 4. d. and (b) 6. f., j., k. and L., 9. and 15., for case management  
12          services under s. 49.46 (2) (b) 12. and for mental health day treatment services for  
13          minors provided under the authorization under 42 USC 1396d (r) (5), the department  
14          shall allocate up to \$4,500,000 in each fiscal year to these county departments, or  
15          local health departments as determined by the department, and shall perform all of  
16          the following:

17          **\*-0028/7.51\* SECTION 1394.** 49.45 (6t) (d) of the statutes is amended to read:

18          **49.45 (6t) (d)** If the federal department of health and human services approves  
19          for state expenditure in a fiscal year amounts under s. 20.435 ~~(5)~~ (4) (o) that result  
20          in a lesser allocation amount than that allocated under this subsection or disallows  
21          use of the allocation of federal medicaid funds under par. (c), reduce allocations under  
22          this subsection and distribute on a prorated basis, as determined by the department.

23          **\*-1756/2.13\* SECTION 1395.** 49.45 (6u) (intro.) of the statutes is amended to  
24          read:

1           49.45 (6u) SUPPLEMENTAL PAYMENTS TO CERTAIN FACILITIES. (intro.)  
2       Notwithstanding sub. (6m), from the appropriation under s. 20.435 (5) (4) (o), for  
3       reduction of operating deficits, as defined under criteria developed by the  
4       department, incurred by a facility, as defined under sub. (6m) (a) 3., that is  
5       established under s. 49.70 (1) or that is owned and operated by a city, village or town,  
6       the department may not distribute to these facilities more than \$38,600,000 in each  
7       fiscal year, as determined by the department, except that the department shall also  
8       distribute for this same purpose from the appropriation under s. 20.435 (5) (4) (o) any  
9       additional federal medical assistance moneys that were not anticipated before  
10      enactment of the biennial budget act or other legislation affecting s. 20.435 (5) (4) (o)  
11      ~~and that were not used to fund nursing home rate increases under sub. (6m) (ag) 8.~~  
12      The total amount that a county certifies under this subsection may not exceed 100%  
13      of otherwise-unreimbursed care. In distributing funds under this subsection, the  
14      department shall perform all of the following:

\*\*\*\*NOTE: This is reconciled s. 49.45 (6u) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: LRB-0028/6 and LRB-1756/1.

15           \*-0028/7.52\* SECTION 1396. 49.45 (6u) (d) of the statutes is amended to read:  
16           49.45 (6u) (d) If the federal department of health and human services approves  
17      for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result  
18      in a lesser allocation amount than that allocated under this subsection, allocate not  
19      more than the lesser amount so approved by the federal department of health and  
20      human services.

21           \*-0028/7.53\* SECTION 1397. 49.45 (6u) (e) of the statutes is amended to read:  
22           49.45 (6u) (e) If the federal department of health and human services approves  
23      for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result

## SECTION 1397

1 in a lesser allocation amount than that allocated under this subsection, submit a  
2 revision of the method developed under par. (b) for approval by the joint committee  
3 on finance in that state fiscal year.

4 **\*-1060/3.1\* SECTION 1398.** 49.45 (6v) (b) of the statutes is amended to read:

5 49.45 (6v) (b) The department shall, each year, submit to the joint committee  
6 on finance a report for the previous fiscal year, except for the 1997-98 fiscal year, that  
7 provides information on the utilization of beds by recipients of medical assistance in  
8 facilities and a discussion and detailed projection of the likely balances,  
9 expenditures, encumbrances and carry over of currently appropriated amounts in  
10 the appropriation accounts under s. 20.435 (4) (b) and (o).

\*\*\*\*NOTE: This is reconciled s. 49.45 (6v) (b). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0028/6 and LRB-1060/2.

11 **\*-1060/3.2\* SECTION 1399.** 49.45 (6v) (c) of the statutes is amended to read:

12 49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds  
13 by recipients of medical assistance in facilities decreased is less than estimates for  
14 that utilization reflected in the intentions of the joint committee on finance,  
15 legislature and governor, as expressed by them in the budget determinations, the  
16 department shall include a proposal to transfer moneys from the appropriation  
17 under s. 20.435 (5) (4) (b) to the appropriation under s. 20.435 (7) (bd) for the purpose  
18 of increasing funding for the community options program under s. 46.27. The  
19 amount proposed for transfer may not reduce the balance in the appropriation  
20 account under s. 20.435 (4) (b) below an amount necessary to ensure that that  
• 21 appropriation account will end the current fiscal year or the current fiscal biennium  
22 with a positive balance. The secretary shall transfer the amount identified under the  
23 proposal.

\*\*\*\*NOTE: This is reconciled s. 49.45 (6v) (c). This SECTION has been affected by drafts with the following LRB numbers: LRB-0028/6 and LRB-1060/2.

1       **\*-0028/7.54\* SECTION 1400.** 49.45 (6w) (intro.) of the statutes is amended to  
2       read:

3       49.45 (6w) HOSPITAL OPERATING DEFICIT REDUCTION. (intro.) From the  
4       appropriation under s. 20.435 (5) ~~(4)~~ (o), for reduction of operating deficits, as defined  
5       under criteria developed by the department, incurred by a hospital, as defined under  
6       s. 50.33 (2) (a) and (b), that is operated by the state, established under s. 49.71 or  
7       owned and operated by a city or village, the department shall allocate up to  
8       \$3,300,000 in each fiscal year to these hospitals, as determined by the department,  
9       and shall perform all of the following:

10       **\*-0028/7.55\* SECTION 1401.** 49.45 (6w) (d) of the statutes is amended to read:

11       49.45 (6w) (d) If the federal department of health and human services approves  
12       for state expenditure in a fiscal year amounts under s. 20.435 ~~(5)~~ (4) (o) that result  
13       in a lesser allocation amount than that allocated under this subsection or disallows  
14       use of the allocation of federal medicaid funds under par. (c), reduce allocations under  
15       this subsection and distribute on a prorated basis, as determined by the department.

16       **\*-0028/7.56\* SECTION 1402.** 49.45 (6x) (a) of the statutes is amended to read:

17       49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
18       20.435 ~~(5)~~ (4) (b) and (o) the department shall distribute not more than \$4,748,000  
19       in each fiscal year, to provide funds to an essential access city hospital, except that  
20       the department may not allocate funds to an essential access city hospital to the  
21       extent that the allocation would exceed any limitation under 42 USC 1396b (i) (3).

22       **\*-0028/7.57\* SECTION 1403.** 49.45 (6x) (d) of the statutes is amended to read:

1           49.45 (6x) (d) If the federal department of health and human services approves  
2           for state expenditure in any state fiscal year amounts under s. 20.435 (5) (4) (o) that  
3           result in a lesser distribution amount than that distributed under this subsection or  
4           disallows use of federal medicaid funds under par. (a), the department of health and  
5           family services shall reduce the distributions under this subsection.

6           \*~~0028/7.58~~\* SECTION 1404. 49.45 (6y) (a) of the statutes is amended to read:

7           49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
8           20.435 (5) (4) (b) and (o) the department shall distribute funding in each fiscal year  
9           to provide supplemental payment to hospitals that enter into a contract under s.  
10          49.02 (2) to provide health care services funded by a relief block grant, as determined  
11          by the department, for hospital services that are not in excess of the hospitals'  
12          customary charges for the services, as limited under 42 USC 1396b (i) (3). If no relief  
13          block grant is awarded under this chapter or if the allocation of funds to such  
14          hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department  
15          may distribute funds to hospitals that have not entered into a contract under s. 49.02  
16          (2).

17          \*~~1393/3.3~~\* SECTION 1405. 49.45 (6y) (am) of the statutes is created to read:

18          49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriations under s.  
19          20.435 (4) (b), (h) and (o) the department shall distribute funding in each fiscal year  
20          to provide supplemental payments to hospitals that enter into contracts under s.  
21          49.02 (2) with a county having a population of 500,000 or more to provide health care  
22          services funded by a relief block grant, as determined by the department, for hospital  
23          services that are not in excess of the hospitals' customary charges for the services,  
24          as limited under 42 USC 1396b (i) (3).

25          \*~~1393/3.4~~\* SECTION 1406. 49.45 (6y) (b) of the statutes is amended to read:

1           49.45 (6y) (b) The department need not promulgate as rules under ch. 227 the  
2           procedures, methods of distribution and criteria required for distribution under ~~par.~~  
3           pars. (a) and (am).

4           **\*-0028/7.59\* SECTION 1407.** 49.45 (6z) (a) (intro.) of the statutes is amended  
5           to read:

6           49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations  
7           under s. 20.435 ~~(5)~~ (4) (b) and (o) the department shall distribute funding in each  
8           fiscal year to supplement payment for services to hospitals that enter into a contract  
9           under s. 49.02 (2) to provide health care services funded by a relief block grant under  
10          this chapter, if the department determines that the hospitals serve a  
11          disproportionate number of low-income patients with special needs. If no medical  
12          relief block grant under this chapter is awarded or if the allocation of funds to such  
13          hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department  
14          may distribute funds to hospitals that have not entered into a contract under s. 49.02  
15          (2). The department may not distribute funds under this subsection to the extent  
16          that the distribution would do any of the following:

17          **\*-0028/7.60\* SECTION 1408.** 49.45 (8) (b) of the statutes is amended to read:

18          49.45 (8) (b) Reimbursement under s. 20.435 ~~(5)~~ (4) (b) and (o) for home health  
19          services provided by a certified home health agency or independent nurse shall be  
20          made at the home health agency's or nurse's usual and customary fee per patient care  
21          visit, subject to a maximum allowable fee per patient care visit that is established  
22          under par. (c).

23          **\*-1098/3.16\* SECTION 1409.** 49.45 (13) (a) of the statutes is amended to read:

24          49.45 (13) (a) The department may require ~~service~~ providers to prepare and  
25          submit cost reports or financial reports for purposes of rate certification under Title



## SECTION 1409

1 XIX of the federal Social Security Act, cost verification, fee schedule determination  
2 or research and study purposes. These financial reports may include independently  
3 audited financial statements ~~which shall include, including~~ balance sheets and  
4 statements of revenues and expenses. The department may withhold  
5 reimbursement or may decrease or not increase reimbursement rates if a provider  
6 does not submit the reports required under this paragraph within the period  
7 specified by the department or if the costs on which the reimbursement rates are  
8 based cannot be verified from the provider's cost or financial reports ~~or records from~~  
9 ~~which the reports are derived.~~

10 **\*-1098/3.17\* SECTION 1410.** 49.45 (13) (b) of the statutes is amended to read:

11 49.45 (13) (b) The In addition to the remedies specified under par. (a), the  
12 department may require any provider who fails to submit a cost report or financial  
13 report under par. (a) within the period specified by the department to forfeit not less  
14 than \$10 nor more than \$100 for each day the provider fails to submit the report. A  
15 provider may contest the imposition of a forfeiture under this paragraph by  
16 submitting a written request for a hearing under s. 227.44 to the department within  
17 10 days following the date on which the provider received notice of the forfeiture.

18 **\*-1098/3.18\* SECTION 1411.** 49.45 (21) (a) of the statutes is renumbered 49.45  
19 (21) (a) (intro.) and amended to read:

20 49.45 (21) (a) (intro.) If any Before a provider liable for repayment of improper  
21 or erroneous payments or overpayments under ss. 49.43 to 49.497 sells or otherwise  
22 transfers ownership of his or her business or all or substantially all of the assets of  
23 the business, ~~the transferor and transferee are each liable for the repayment. Prior~~  
24 ~~to final transfer, the transferee is responsible for contacting the department and~~

1 ~~ascertaining if the transferor is liable under this paragraph. all of the following shall~~  
2 ~~take place:~~

3 \***-1098/3.19\* SECTION 1412.** 49.45 (21) (a) 1. to 6. of the statutes are created  
4 to read:

5 49.45 (21) (a) 1. The provider shall notify the department of the proposed sale  
6 or other transfer.

7 2. Upon notification under subd. 1., the department shall inform the provider  
8 of the extent of the provider's liability, if any, for repayment of improper or erroneous  
9 payments or overpayments under ss. 49.43 to 49.497.

10 3. If the department informs the provider under subd. 2. that the provider has  
11 liability, the provider shall so inform the prospective buyer or other transferee.

12 4. If the provider informs the prospective buyer or other transferee under subd.  
13 3., joint and several liability for the repayment attaches to the provider and to the  
14 prospective buyer or other transferee and the sale or other transfer is conditioned  
15 upon repayment.

16 5. If the provider fails to notify the prospective buyer or other transferee under  
17 subd. 3., no liability for the repayment attaches to the prospective buyer or other  
18 transferee.

19 6. The provider and, if subd. 4. applies, the prospective buyer or other  
20 transferee shall repay the amount of improper or erroneous payments or  
21 overpayments under ss. 49.43 to 49.497 for which the provider and, if subd. 4.  
22 applies, the prospective buyer or other transferee have liability.

23 \***-1098/3.20\* SECTION 1413.** 49.45 (21) (b) of the statutes is amended to read:

24 49.45 (21) (b) If a sale or other transfer specified in par. (a) occurs and the  
25 applicable amount under par. (a) has not been repaid, the ~~department may proceed~~

## SECTION 1413

1 against either the transferor or the transferee. Within 30 days after receiving notice  
2 from the department, the transferor or the transferee shall pay the amount in full.  
3 Upon failure to comply, the sale or other transfer is void. The department may bring  
4 an action to compel payment. If a transferor fails to pay within 90 days after  
5 receiving notice from the department, the department or may proceed under sub. (2)

6 (a) 12., or both.

(4) ✓

7 \*-1301/3.1\* SECTION 1414. 49.45 (24h) of the statutes is created to read:

8 49.45 (24h) PAYMENT RATES FOR DENTAL SERVICES. (a) From the appropriation  
9 under s. 20.435 ~~(b)~~ (b), the department shall provide an increase in the rate of DAK  
10 payment to providers of dental services specified under ss. 49.46 (2) (b) 1. and 49.47  
11 (6) (a) 1. who provide the services on a fee-for-service basis. For state fiscal year  
12 1999-2000, the total increase is an amount equal to the lesser of 10% over that paid  
13 from this appropriation for the dental services in state fiscal year 1998-99 or  
14 \$1,225,300. For state fiscal year 2000-01, the total increase is an amount equal to  
15 the least of all of the following:

16 1. Ten percent over the amount paid for the dental services from the  
17 appropriation in state fiscal year 2000-01.

18 2. An amount equal to \$1,504,200.

19 3. Whatever percentage over the amount paid for the dental services from the  
20 appropriation in state fiscal year 2000-01 equals the percentage of increase in the  
21 number of medical assistance recipients receiving dental services on a  
22 fee-for-service basis in state fiscal year 2000-01 over the number receiving dental  
23 services on a fee-for-service basis in state fiscal year 1999-2000. By September 1,  
24 2000, the department shall determine the percentage figure under this ~~paragraph~~.

✓  
subdivision

1 (b) Calculation of the payments under this subsection excludes estimated  
2 changes in total payments reflected in the intentions of the joint committee on  
3 finance, legislature and governor as expressed by them in the budget determinations  
4 attributable to changes in recipient utilization of dental services provided on a  
5 fee-for-service basis.

6 **\*-0028/7.61\* SECTION 1415.** 49.45 (24m) (intro.) of the statutes is amended to  
7 read:

8 49.45 (24m) HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)  
9 From the appropriations under s. 20.435 (5) (4) (b) and (o), in order to test the  
10 feasibility of instituting a system of reimbursement for providers of home health care  
11 and personal care services for medical assistance recipients that is based on  
12 competitive bidding, the department shall:

13 **\*-0287/1.1\* SECTION 1416.** 49.45 (25m) of the statutes is created to read:

14 49.45 (25m) MANAGED CARE FOR CHILDREN IN FOSTER CARE. The department may  
15 request a waiver from the secretary of the federal department of health and human  
16 services to allow the department to require a child who is in foster care to enroll in  
17 a managed care plan as a condition of receiving medical assistance. If the waiver is  
18 granted and in effect, the department may require a child who is in foster care to  
19 enroll in a managed care plan as a condition of receiving medical assistance.

20 **\*-0315/4.1\* SECTION 1417.** 49.45 (46) of the statutes is created to read:

21 49.45 (46) ALCOHOL AND OTHER DRUG ABUSE RESIDENTIAL TREATMENT SERVICES. (a)  
22 If a county, city, town or village elects to become certified as a provider of alcohol and  
23 other drug abuse residential treatment services or to contract with a certified  
24 provider to provide the services, the county, city, town or village may provide directly  
25 or under contract alcohol and other drug abuse residential treatment services in

1 facilities with fewer than 16 beds under this subsection in the county, city, town or  
2 village to medical assistance recipients through the medical assistance program. A  
3 county, city, town or village that elects to provide or to contract for the services shall  
4 pay the amount of the allowable charges for the services under the medical  
5 assistance program that is not provided by the federal government. The department  
6 shall reimburse the county, city, town or village under this subsection only for the  
7 amount of the allowable charges for those services under the medical assistance  
8 program that is provided by the federal government.

9 (b) This subsection does not apply after July 1, 2003.

10 **\*-0321/6.1\* SECTION 1418.** 49.45 (47) of the statutes is created to read:

11 49.45 (47) ADULT DAY CARE CENTERS. (a) In this subsection, “adult day care  
12 center” means an entity that provides services for part of a day in a group setting to  
13 adults who need an enriched health-supportive or social experience and who may  
14 need assistance with activities of daily living, supervision or protection.

15 (b) No person may receive reimbursement under s. 46.27 (11) for the provision  
16 of services to clients in an adult day care center unless the adult day care center is  
17 certified by the department under sub. (2) (a) 11. as a provider of medical assistance.

18 (c) The biennial fee for the certification required under par. (b) of an adult day  
19 care center is \$100, plus a biennial fee of \$20 per client, based on the number of  
20 clients that the adult day care center is certified to serve. Fees collected under this  
21 paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

22 (d) The department, by rule, may increase any fee specified in par. (c).

23 **\*-0263/2.1\* SECTION 1419.** 49.453 (4) (title) of the statutes is amended to read:

24 49.453 (4) (title) IRREVOCABLE ANNUITIES, PROMISSORY NOTES AND SIMILAR  
25 TRANSFERS.